

Collection of Liechtenstein Laws

Constitutional Law

Bergt, J., Stern, T.

COLLECTION OF LIECHTENSTEIN LAWS

CONSTITUTIONAL LAW

As of February 2, 2026 | 3rd edition

Bergt J., Stern T.

LR 101	Liechtenstein Constitution (LV)
LR 172.020	State Administrative Management Act
(LVG) LR 173.10	State Court Act (StGHG)
LR 313.0	Administrative Penal Code (VStG)
LR 152.20	Aliens Act (AuG)
LR 172.022	Appeals Commission Act
LR 341	Probation Assistance Act (BewHG)
LR 161	Law on Popular Rights (VRG)
LR 141.0	Municipal Act (GemG)
LR 111.0	House Act of the Princely House of Liechtenstein Children
LR 852.0	and Youth Act (KJG)
LR 170.50	Public Notice Act
LR 170.551.631	Publication pursuant to the Customs Treaty (Swiss legislation)
LR 312.2	Victims Assistance Act (OHG)
LR 152.21	Law on the Free Movement of Persons (PFZG)
LR 172.011	Law on the Organization of Government and Administration (RVOG)
LR 173.33	Public Prosecutor's Office Act (StAG)
LR 0.631.112	Incorporation of LI into the CH customs territory
LR 631.112.1	Customs Agreement with Switzerland
LR 0.101	Convention on Human Rights, including Additional Protocols
LR 0.110	Agreement on the European Economic Area (EEA Agreement)

Imprint

Bibliographic Information from the German National Library: The German National Library lists this publication in the German National Bibliography; detailed bibliographic data is available online at dnb.dnb.de.

Automated analysis of the work to extract information, in particular regarding patterns, trends, and correlations pursuant to §44b UrhG (“Text and Data Mining”), is prohibited.

Please note that the publication of this collection of Liechtenstein laws does not constitute an official publication. Only the legal provisions duly published in the Official Gazette are valid. Since January 1, 2013, only the signed electronic version of the Official Gazette (LGBI) is authoritative and authentic (PDF/A format). For legal provisions published up to December 31, 2012, the paper version published in the Official Gazette is binding.

Liechtenstein legal provisions can be accessed via the following link: <https://www.gesetze.li/>

European legal acts can be accessed via the following link: <https://eur-lex.europa.eu/>

Whether a Union legal act is applicable in Liechtenstein depends on a decision of the EEA Joint Committee (EEA Joint Committee Decision; JCD). Information on whether such a decision exists can be found on the EFTA website listed below: <https://www.efta.int/eea-lex>

Despite careful preparation, all information is provided without warranty, and no liability is assumed for the completeness or accuracy of the content.

Editors: Josef Bergt, Thomas Stern | As of 02/02/2026 | 3rd edition_

<https://www.bergt.law/> | <https://bergt.tax/>

Publisher: BoD · Books on Demand GmbH, Überseering 33, 22297 Hamburg, bod@bod.de

Printed by: Libri Plureos GmbH, Friedensallee 273, 22763 Hamburg

ISBN: 978-3-6957-4586-9

Table of Contents

I.	State Constitution (LV)	1
II.	State Administrative Care Act (LVG).....	32
III.	State Supreme Court Act (StGHG).....	131
IV.	Administrative Penal Code (VStG).....	152
V.	Aliens Act (AuG)	190
VI.	Appeals Commission Act.....	254
VII.	Probation Assistance Act (BewHG)	260
VIII.	Law on Popular Rights (VRG).....	272
IX.	Municipal Act (GemG)	310
X.	House Act of the Princely House of Liechtenstein	343
XI.	Children and Youth Act (KJG)	358
XII.	Publication Act.....	410
XIII.	Publication (Swiss legislation)	417
XIV.	Victims Assistance Act (OHG).....	418
XV.	Law on the Free Movement of Persons (PFZG).....	428
XVI.	Government and Administrative Organization Act (RVOG) 461	
XVII.	Public Prosecutor's Office Act (StAG).....	479
XVIII.	Incorporation of the Principality of Liechtenstein into the Swiss customs territory	498
XIX.	Customs Agreement with Switzerland.....	511
XX.	Convention for the Protection of Human Rights and Fundamental Freedoms.....	551
XXI.	Additional Protocol.....	573
XXII.	Minutes No. 4	576
XXIII.	Minutes No. 6	579
XXIV.	Minutes No. 7	582
XXV.	Minutes No. 8	586
XXVI.	Minutes No. 11	591
XXVII.	Minutes No. 13	604
XXVIII.	Minutes No. 14	607
XXIX.	Agreement on the European Economic Area	615

I. Constitution (LV)

Constitution of the Principality of

Liechtenstein of October 5, 1921

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

I. Main Section:

The Principality

Art. 1

1) The Principality of Liechtenstein is a confederation of two regions comprising eleven municipalities. The Principality of Liechtenstein shall serve the people living within its borders so that they may live together in freedom and peace. The district of Vaduz (Oberland) consists of the municipalities of Vaduz, Balzers, Planken, Schaan, Triesen, and Triesenberg; the district of Schellenberg (Unterland) consists of the municipalities of Eschen, Gamprin, Mauren, Ruggell, and Schellenberg.

2) Vaduz is the capital and the seat of the National Council and the Government. Art. 2

The Principality is a constitutional hereditary monarchy based on democratic and parliamentary principles (Art. 79 and 80); sovereign power is vested in the Prince and the people and is exercised by both in accordance with the provisions of this Constitution.

Art. 3

The hereditary succession to the throne in the House of Liechtenstein, the age of majority of the Prince and the Hereditary Prince, and, where applicable, guardianship are regulated by the House of Liechtenstein in the form of a House Law.

Art. 4

1) Changes to the borders of the national territory may only be made by law. Changes to municipal boundaries, the creation of new municipalities, and the merger of existing municipalities also require a majority decision by the eligible voters residing there.

2) Individual municipalities have the right to secede from the state. The initiation of the secession process is decided by a majority of the

resident citizens eligible to vote. The terms of withdrawal shall be determined by law or, on a case-by-case basis, by an international treaty. In the event of a treaty-based arrangement, a second referendum must be held in the municipality following the conclusion of treaty negotiations.

Art. 5

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

Art. 6

The German language is the national and official language.

II. Main Section

The Prince

Art. 7

1) The Sovereign is the head of state and exercises his authority in accordance with the provisions of this Constitution and other laws.

2) The person of the Sovereign is not subject to the jurisdiction of the courts and is not legally liable. The same applies to that member of the Princely House who, pursuant to Art. 13bis, exercises the function of Head of State on behalf of the Sovereign. Art. 8

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

2) Treaties by which territory is ceded or state property is sold, sovereign rights or prerogatives are disposed of, a new burden is imposed on the Principality or its subjects, or an obligation is entered into that would infringe upon the rights of the country's citizens, require the consent of the State Parliament to be valid.

Art. 9

Every law requires the sanction of the Prince to be valid. Art. 10

1) The Prince shall, without the participation of the Provincial Assembly, establish through the government the institutions necessary for the enforcement and implementation of laws, as well as those arising from administrative and supervisory powers, and shall issue the relevant ordinances (Art. 92). In urgent cases, he shall take the necessary measures for the security and welfare of the state.

2) Emergency ordinances may not repeal the Constitution as a whole or individual provisions thereof, but may only restrict the applicability of individual provisions of the Constitution. Emergency ordinances may not restrict the right of every person to life, the prohibition of torture and inhuman treatment, the prohibition of slavery and forced labor, nor the principle of “no punishment without law.” Furthermore, the provisions of this Article, Articles 3, 13ter, and 113, as well as the House Rules, may not be restricted by emergency ordinances. Emergency ordinances shall expire no later than six months after their enactment.

Art. 11

The Sovereign appoints judges in accordance with the provisions of the Constitution (Art. 96).

Art. 12

1) The Prince has the right to grant pardons, to commute or modify sentences that have become final, and to dismiss investigations that have been initiated.

2) In the case of a member of the government convicted for acts performed in the course of his official duties, the Prince shall exercise the right to grant a pardon or to commute the sentence only upon the request of the State Parliament.

Art. 13

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

Art. 13bis

The Prince may entrust the next in line of succession, a prince of his house who has attained the age of majority, with the exercise of the sovereign rights to which he is entitled, either due to temporary incapacity or in preparation for the succession to the throne, as his representative.

Art. 13ter

At least 1,500 citizens of the state have the right to submit a substantiated motion of no confidence against the sovereign. The State Parliament must issue a recommendation on this motion at its next session and order a referendum (Art. 66

, para. 6). If the motion of no confidence is adopted in the referendum, it must be communicated to the sovereign for consideration in accordance with the Rules of Procedure. The sovereign shall notify the State Parliament of the decision made in accordance with the Rules of Procedure within six months.

III. Main Section

On the Functions of the State

Art. 14

The supreme duty of the state is the promotion of the general welfare of the people. In this spirit, the state shall ensure the establishment and preservation of the rule of law and the protection of the religious, moral, and economic interests of the people.

Art. 15

The State devotes special attention to the system of education and instruction. This system shall be organized and administered in such a way that, through the cooperation of family, school, and church, young people may acquire a religious and moral education, a patriotic spirit, and future professional competence. Art. 16

1) The entire system of education and instruction is subject to state supervision, without prejudice to the inviolability of church doctrine.

2) There is universal compulsory education.

3) The state shall ensure that compulsory instruction in the basic subjects is provided to a sufficient extent in public schools free of charge.

4) Religious instruction is provided by church authorities.

5) No one may allow the youth under their supervision to receive less instruction than the level prescribed for public elementary schools.

6) Repealed

7) Repealed

8) Private instruction is permitted provided that it complies with the legal provisions regarding school hours, educational objectives, and facilities in public schools.

Art. 17

1) The state supports and promotes the education system.

2) It shall facilitate attendance at secondary schools for students of limited means who show promise by granting appropriate scholarships.

Art. 18

The state shall provide for public health care, support nursing care, and strive through legal means to combat alcoholism and to rehabilitate alcoholics and those who shun work.

Art. 19

- 1) The State protects the right to work and the workforce, particularly that of women and young people employed in trade and industry.
- 2) Sundays and state-recognized holidays are public days of rest, without prejudice to statutory provisions regarding rest on Sundays and holidays.

Art. 20

- 1) To enhance earning capacity and safeguard its economic interests, the State promotes and supports agriculture, alpine farming, trade, and industry; it particularly promotes insurance against damages that threaten labor and property and takes measures to combat such damages.
- 2) It devotes particular attention to the development of a transportation system that meets modern needs.
- 3) It supports slope stabilization, reforestation, and drainage projects, and will devote its attention and support to all efforts to develop new sources of income.

Art. 21

The State shall have sovereign rights over water resources in accordance with existing and future laws governing this matter. The use, management, and protection of water resources shall be regulated and promoted by law, taking into account technological developments. Electricity law shall be regulated by law.

Art. 22

The State exercises sovereignty over hunting, fishing, and mining and, in enacting the relevant laws, protects the interests of agriculture and municipal finances.

Art. 23

The regulation of the mint and public credit system is a matter for the State. Art.

24

- 1) The State shall ensure, through the enactment of laws, a fair system of taxation that exempts a minimum subsistence level and places a greater burden on higher wealth or income.

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

Art. 25

Public welfare for the poor is the responsibility of the municipalities in accordance with specific laws. The State, however, exercises supreme supervision over this matter. It may provide appropriate assistance to the municipalities, particularly for the proper care of orphans, the mentally ill, the terminally ill, and the elderly.

Art. 26

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

Art. 27

1) The state shall ensure prompt litigation and enforcement proceedings that protect substantive law, as well as administrative justice that is consistent with the same principles.

2) The professional practice of representing parties shall be regulated by law.

IV. Main Section

On the General Rights and Duties of Citizens

Art. 27bis

1) Human dignity shall be respected and protected.

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

Art. 27ter

1) Everyone has the right to life.

2) The death penalty is prohibited. Art. 28

1) Every national has the right to settle freely in any part of the national territory and to acquire property of any kind, subject to the relevant statutory provisions.

2) The entry and exit, residence, and settlement of foreigners are regulated by international treaties and law.

3) Residence within the borders of the Principality entails an obligation to observe its laws and confers protection under the Constitution and other laws.

Art. 29

1) Every citizen of the state is entitled to civil rights in accordance with the provisions of this Constitution.

2) In matters of state, political rights are granted to all citizens who have reached the age of 18, have their ordinary residence in the country, and are not disqualified from the right to vote and stand for election.

Art. 30

The laws shall determine the acquisition and loss of citizenship. Art. 31

1) All citizens are equal before the law. Public offices are equally accessible to them in accordance with the provisions of the law.

2) Men and women have equal rights.

3) The rights of foreigners are determined first by international treaties and, in the absence thereof, by the principle of reciprocity.

Art. 32

1) Personal liberty, the inviolability of the home, and the privacy of correspondence and documents are guaranteed.

2) Except in cases and in the manner prescribed by law, no one may be arrested or detained, nor may a search of a home or of persons, letters, or documents be conducted, nor may letters or documents be seized.

3) Persons unlawfully or demonstrably wrongfully arrested and wrongfully convicted are entitled to full compensation to be paid by the State and determined by a court. The laws shall determine whether and to what extent the State has a right of recourse against third parties.

Art. 33

1) No one may be deprived of the right to a trial before a regular court; special courts may not be established.

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

3) In all criminal matters, the accused is guaranteed the right to a defense.

Art. 34

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

2) Copyright shall be regulated by law.

Art. 35

1) Where the public interest so requires, the transfer or encumbrance of any type of property may be ordered in exchange for adequate compensation, to be determined by a judge in the event of a dispute.

2) The procedure for expropriation shall be determined by law.

Art. 36

Trade and commerce are free within the limits prescribed by law; the permissibility of exclusive trade and commercial privileges for a specified period is regulated by law.

Art. 37

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

2) The Roman Catholic Church is the state church and, as such, enjoys the full protection of the state; other denominations are guaranteed the right to practice their faith and hold their religious services within the limits of morality and public order.

Art. 38

The property and all other property rights of religious societies and associations with respect to their institutions, foundations, and other assets designated for religious, educational, and charitable purposes are guaranteed. The administration of church property in the parishes is governed by a special law; prior to the enactment of such a law, consultation with the ecclesiastical authorities must take place.

Art. 39

The enjoyment of civil and political rights is independent of religious affiliation; such affiliation shall not interfere with the fulfillment of civil duties.

Art. 40

Everyone has the right to freely express their opinions and communicate their thoughts through speech, writing, print, or visual representation within the limits of the law and morality; censorship may only be applied to public performances and exhibitions.

Art. 41

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

Art. 42

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

Art. 43

The right to file a complaint is guaranteed. Every citizen is entitled to file a complaint with the immediate superior of any public authority regarding conduct or procedures by that authority that violate the Constitution, laws, or regulations and that adversely affect the citizen's rights or interests, and to pursue the matter, if necessary, all the way to the highest authority, unless a statutory limitation on the right of appeal precludes this. If the complaint is rejected by the superior authority, the latter is obligated to inform the complainant of the reasons for its decision.

Art. 44

- 1) Every person capable of bearing arms is obligated, until the age of 60, to defend the fatherland in case of emergency.
- 2) Except in this case, armed formations may be formed and maintained only to the extent deemed necessary for the performance of police duties and the maintenance of internal order. The legislature shall establish the detailed provisions regarding this.

V. Main

Section: **On the**

State

Parliament Art.

45

- 1) The State Assembly is the lawful organ of the entire body of citizens and, as such, is called upon to safeguard and enforce the rights and interests of the people in relation to the government in accordance with the provisions of this Constitution, and to promote the welfare of the Princely House and the State as much as possible with loyal adherence to the principles laid down in this Constitution.
- 2) The rights vested in the State Parliament may be exercised only in its legally constituted assembly.

Art. 46

1) The State Parliament consists of 25 members, who are elected by the people through universal, equal, secret, and direct suffrage under a proportional representation system. The Oberland and the Unterland each constitute a single electoral district. Of the 25 members, 15 are allocated to the Oberland and 10 to the Unterland.

2) In addition to the 25 representatives, deputy representatives are also elected in each electoral district. For every three representatives in an electoral district, each voter group is entitled to one deputy representative, but at least one if a voter group wins a seat in an electoral district.

3) Seats are allocated among the electoral groups that have received at least eight percent of the valid votes cast throughout the state.

4) Members of the government and the courts may not simultaneously serve as members of the State Parliament.

5) The details regarding the conduct of the election are regulated by a special law.

Art. 47

1) The term of office for the State Parliament is four years, provided that regular State Parliament elections are held in February or March of the calendar year in which the fourth year ends. Re-election is permitted.

2) Repealed

Art. 48

1) The Prince, subject to the exception set forth in the following paragraph, has the right to convene the State Parliament, to adjourn it, and, for substantial reasons which must be communicated to the assembly each time, to adjourn it for three months or to dissolve it. An adjournment, closure, or dissolution may only be declared before the assembled State Parliament.

2) The State Parliament shall be convened upon a justified, written request from at least 1,000 eligible citizens of the State or upon a resolution of the municipal assemblies of at least three municipalities.

3) Under the same conditions as set forth in the preceding paragraph, 1,500 eligible voters or four municipalities may, by resolution of their municipal assemblies, request a referendum on the dissolution of the Provincial Assembly.

Art. 49

- 1) The regular convening of the Provincial Assembly takes place at the beginning of each year by means of a decree issued by the Prince-Governor, specifying the place, date, and time of the assembly.
- 2) The President shall schedule the sessions within the year.
- 3) After the expiration of a recess period, the Provincial Assembly must be reconvened within one month by a decree of the Prince.
- 4) If a member of their electoral group is unable to attend one or more consecutive sessions, the alternate members shall participate in the session with a seat and a vote in place of the absent member.

Art. 50

If the State Parliament is dissolved, a new election must be ordered within six weeks. The newly elected members must then be convened within 14 days.

Art. 51

- 1) In the event of succession to the throne, the State Parliament shall be convened within 30 days for an extraordinary session for the purpose of receiving the declaration of the sovereign provided for in Art. 13 and rendering the oath of allegiance.
- 2) If the State Parliament has been dissolved, new elections must be expedited so that the convening can take place no later than the fortieth day following the accession to the throne.

Art. 52

- 1) At its first session duly convened, the State Parliament, under the chairmanship of the senior member for the current year, shall elect from among its members a President and a Vice President to preside over its proceedings.

2) Repealed

Art. 53

Members of the State Parliament must appear in person at the seat of government upon receiving the summons. If a member is unable to attend, he or she must notify the government in a timely manner upon the first summons, and subsequently the President, stating the reason for the absence. If the impediment is permanent, a by-election must be held if a replacement cannot be appointed under the succession system.

Art. 54

1) The State Parliament shall be opened by the Sovereign in person or through an authorized representative with appropriate solemnity. All newly elected members shall take the following oath before the Sovereign or his authorized representative:

"I swear to uphold the state constitution and existing laws, and to promote the welfare of the fatherland in the State Parliament to the best of my knowledge and belief, without regard to personal interests, so help me God!"

2) Members who join later take this oath before the President. Art. 55

The State Parliament is convened by the Prince in person or through a representative.

Art. 56

1) No member of the State Parliament may be arrested during the session without the consent of the State Parliament, except in cases of being caught in the act.

2) In the latter case, the arrest must be brought to the attention of the State Parliament without delay, stating the reason therefor, and the State Parliament shall decide whether to uphold the detention. At its request, the files pertaining to the case shall be made available to it immediately.

3) If a member of the State Parliament is arrested at a time when the State Parliament is not in session, the State Committee must be notified of this without delay, stating the reason.

Art. 57

1) The members of the State Parliament shall vote solely in accordance with their oath and their convictions. They shall never be held accountable for their votes, but for their statements made during sessions of the State Parliament or its committees, they shall be accountable only to the State Parliament and may never be prosecuted for such statements.

2) Regulations governing disciplinary authority shall be reserved for the rules of procedure to be enacted.

Art. 58

1) For a valid resolution of the State Parliament, the presence of at least two-thirds of the statutory number of deputies and an absolute majority of the votes cast by the members present are required, unless otherwise provided for in this Constitution or in the Rules of Procedure. The same applies to elections to be conducted by the State Parliament.

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

Art. 59

1) The State Constitutional Court rules on election complaints.

2) The State Parliament verifies the validity of the election of its members and of the election itself based on the election records and any decision by the State Constitutional Court (validation).

Art. 60

The State Parliament shall adopt its rules of procedure by resolution, in accordance with the provisions of this Constitution.

Art. 61

Members of the State Parliament shall receive from the state treasury the compensation and travel allowances to be determined by law.

Art. 62

The functions of the State Parliament shall primarily include the following:

- a) constitutional participation in the legislative process;
- b) participation in the conclusion of international treaties (Art. 8);
- c) the adoption of the annual budget and the authorization of taxes and other public levies;
- d) decisions on loans, bonds, and guarantees at the expense of the State, as well as on the acquisition and disposal of real property belonging to the State's administrative and financial assets; Articles 63ter and 93 remain reserved;
- e) deciding on the annual report to be submitted by the government on the entire state administration;
- f) submitting motions, lodging complaints, and exercising oversight regarding the state administration (Art. 63);
- g) the bringing of charges against members of the Government before the Constitutional Court for violations of the Constitution or other laws;
- h) deciding on a vote of no confidence against the Government or any of its members.

Art. 63

1) The State Parliament has the right to exercise oversight over the entire state administration, including the administration of justice. The State Parliament exercises this right, among other things, through a Committee on Public Affairs to be elected by it. The State Parliament's right of oversight extends neither to the adjudication of the courts nor to the activities assigned to the Sovereign.

2) He shall at all times be free to bring any shortcomings or abuses he observes in the state administration directly to the attention of the sovereign or the government by means of a petition or complaint, and to request that they be remedied. The results of any investigation conducted in this regard and the decision reached on the basis thereof shall be communicated to the State Parliament.

3) Repealed

4) The government representative must be heard and is obligated to answer interpellations from members of the State Parliament.

Art. 63bis

The State Parliament has the right to appoint investigative commissions. It is obligated to do so if at least one-quarter of the statutory number of members of the State Parliament so requests.

Art. 63ter

The State Parliament shall appoint a Finance Committee, to which the law may also delegate the authority to decide on the acquisition and disposal of real property belonging to the administrative and financial assets, as well as the authority to participate in the administration of the financial assets.

Art. 64

1) The right of legislative initiative, i.e., to introduce bills, belongs to:

a) the Prince in the form of government bills;

b) the State Parliament itself;

c) the citizens of the province who are eligible to vote, in accordance with the following provisions.

2) If at least 1,000 eligible citizens, whose signatures and voting rights have been certified by the municipal council of their place of residence, submit in writing, or if at least three municipalities submit in the form of unanimous municipal assembly resolutions, a request for the enactment, amendment, or repeal of a law, this petition shall be brought up for debate at the subsequent session of the State Parliament.

- 3) If the petition of one of the bodies mentioned in subparagraphs (a) through (c) is directed toward the enactment of a law not already provided for by this Constitution, the implementation of which would impose on the state either a one-time financial burden not already provided for in the Finance Act or a long-term financial burden, the petition shall be debated by the State Parliament only if it is accompanied by a proposal for funding.
- 4) A constitutional initiative may be submitted only by at least 1,500 eligible voters or at least four municipalities.
- 5) The specific provisions regarding this popular initiative shall be laid down by law.

Art. 65

- 1) No law may be enacted, amended, or declared authentic without the participation of the State Parliament. For any law to be valid, in addition to the consent of the Provincial Assembly, the sanction of the Provincial Governor, the countersignature of the responsible head of government or his deputy, and publication in the Provincial Gazette are required. If the Provincial Governor does not grant his sanction within six months, it shall be deemed to have been refused.
- 2) Furthermore, a referendum shall be held in accordance with the provisions of the following article.

Art. 66

- 1) Any law passed by the State Parliament that is not declared urgent by it, as well as any financial resolution not declared urgent by it, provided that it entails a one-time new expenditure of at least 500,000 francs or an annually recurring new expenditure of 250,000 francs, is subject to a referendum if the Landtag so decides, or if, within 30 days of the official publication of the Landtag's decision, at least 1,000 eligible citizens of the canton or at least three municipalities submit a request to that effect in the manner provided for in Art. 64.
- 2) If the matter concerns the Constitution as a whole or individual parts thereof, a petition signed by at least 1,500 eligible voters or by at least four municipalities is required.
- 3) The State Parliament is authorized to call a referendum on the inclusion of individual provisions in a bill to be enacted.

4) The referendum shall be conducted on a municipal basis; the absolute majority of valid votes cast throughout the state shall determine the acceptance or rejection of the legislative resolution.

5) Legislative resolutions subject to a referendum are submitted to the Prince for approval only after the referendum has been held or after the thirty-day period prescribed for filing a request for a referendum has expired without result.

6) If the State Parliament has rejected a draft bill submitted to it by way of a popular initiative (Art. 64(c)), which has been drafted and, if necessary, accompanied by a funding proposal, the draft bill must be put to a referendum. In this case, the approval of the draft by the citizens eligible to vote shall take the place of the resolution of the State Parliament otherwise required for the adoption of a law.

7) The detailed provisions regarding the referendum shall be established by law.

Art. 66bis

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

2) In the referendum, an absolute majority of the valid votes cast throughout the province shall decide on the adoption or rejection of the provincial assembly resolution.

3) The detailed provisions regarding this referendum shall be established by law.

Art. 67

1) Unless otherwise provided by law, a law shall enter into force eight days after its publication in the State Gazette.

2) The manner and scope of the publication of laws, financial resolutions, international treaties, ordinances, resolutions of international organizations, and legal provisions applicable in the Principality of Liechtenstein pursuant to international treaties shall be regulated by legislation. For legal provisions applicable in the Principality of Liechtenstein pursuant to international treaties, publication may be arranged in

simplified form, such as, in particular, a reference publication to foreign collections of laws.

3) Repealed

Art. 68

1) No direct or indirect tax, nor any other state levy or general charge, whatever its name may be, may be imposed or collected without the approval of the Landtag. The approval granted must be expressly mentioned in the tax assessment.

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

3) Taxes and levies are generally authorized for one fiscal year.

Art. 69

1) With regard to the provincial administration, the government shall submit to the Provincial Assembly for the following administrative year an estimate of all expenditures and revenues for review and approval, to which the proposal for the levies to be collected shall be attached.

2) For each completed fiscal year, the government shall, during the first half of the following fiscal year, provide the State Parliament with a detailed account of how the approved and collected revenues were utilized in accordance with the budget, subject to the approval of justified overspending and the government's accountability for unjustified overspending.

3) Subject to the same conditions, the government is authorized to incur urgent expenditures not provided for in the budget.

4) Any savings in individual budget items may not be used to cover additional expenditures in other items.

Art. 70

The government shall manage the state's financial assets in accordance with principles to be established in consultation with the State Parliament. It shall report to the State Parliament together with the financial report (Art. 69, para. 2).

VI. Main Section

On the Provincial Committee

Art. 71

For the period between the adjournment, closure, or dissolution of the State Parliament and its reconvening, notwithstanding the provisions of Articles 48 through 51 regarding the deadlines for reconvening or new elections, the State Committee shall act in place of the State Parliament to handle matters requiring its participation or that of its commissions.

Art. 72

1) The State Committee consists of the incumbent President of the State Parliament, who is replaced by his or her deputy in the event of absence, and four additional members to be elected by the State Parliament from among its members, with equal consideration given to the Upper and Lower Regions.

2) The State Parliament must be given the opportunity to hold this election during the very session in which its adjournment, closure, or dissolution is announced, under all circumstances.

Art. 73

The term of office of the State Committee expires upon the reconvening of the State Parliament.

Art. 74

The State Committee is specifically authorized and obligated:

- a) to ensure that the Constitution is upheld, that the business of the State Parliament is carried out, and that the State Parliament is reconvened in a timely manner following its dissolution or adjournment;
- b) to examine the State's financial statements and to forward them to the State Parliament together with its report and proposals;
- c) to co-sign the debt and mortgage bonds to be issued against the state treasury in accordance with a prior resolution of the State Parliament;
- d) to carry out special assignments received from the State Parliament for the preparation of future parliamentary proceedings;
- e) in urgent cases, to report to the sovereign or the government and, in the event of a threat to or violation of constitutional rights, to file motions, objections, and complaints;
- f) to request the convening of the State Parliament as circumstances require.

Art. 75
The State Committee may not enter into any binding obligations on behalf of the state and is accountable to the State Parliament for its conduct of affairs.

Art. 76

- 1) The meetings of the State Committee are held as needed at the seat of the government, upon convocation by the President.
- 2) The presence of at least three members is required for the validity of its decisions.

Art. 77

During their sessions, the members of the State Committee shall receive the same daily allowances and travel expenses as the members of the State Parliament.

VII. Part I: The

Government Art. 78

- 1) Subject to the following provisions of this article, the entire state administration shall be conducted by the collegial government, which is accountable to the Prince and the State Parliament, in accordance with the provisions of this Constitution and other laws.
- 2) By law or by virtue of statutory authorization, certain matters may be delegated to individual officials, administrative bodies, or special commissions for independent handling, subject to the right of appeal to the collegial government.
- 3) By law, special commissions may be established to decide on appeals in lieu of the collegial government.
- 4) For the performance of economic, social, and cultural tasks, special public-law corporations, institutions, and foundations may be established by law, which shall be subject to the general supervision of the government.

Art. 79

- 1) The collegial government consists of the head of government and four government councilors.
- 2) The head of government and the members of the government are appointed by the Prince in consultation with the State Parliament upon the latter's recommendation. In the same manner, a deputy is to be appointed for both the head of government and each member of the government, who, in the event of the respective government member's absence, represents them at meetings of the collegial government.
- 3) One of the members of the Government shall be appointed by the Prince, upon the recommendation of the Landtag, as Deputy Head of Government.

4) Members of the Government must be Liechtenstein citizens and eligible for election to the Landtag.

5) When appointing the collegial government, care must be taken to ensure that at least two members are drawn from each of the two cantons. Their deputies must be drawn from the same canton.

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

Art. 80

1) If the government loses the confidence of the sovereign or the State Parliament, its authority to exercise its office ceases. For the period until the new government takes office, the sovereign shall appoint an interim government to provisionally administer the entire state administration, in accordance with the provisions of Article 79, paragraphs 1 and 4 (Article 78, paragraph 1). The Prince may also appoint members of the former government to the transitional government. Within four months, the transitional government must face a vote of confidence in the State Parliament, unless a new government has been appointed beforehand by the Prince in agreement with the State Parliament upon the latter's proposal (Art. 79, para. 2).

2) If an individual member of the government loses the confidence of the Prince or the Provincial Assembly, the decision regarding the loss of authority to exercise his office shall be made by mutual agreement between the Prince and the Provincial Assembly. Until the appointment of the new government member, the deputy shall continue to perform the duties of the office.

Art. 81

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

Art. 82

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

Art. 83

The government's handling of business is partly collegial and partly departmental.

Art. 84

The collegial government shall adopt its rules of procedure by ordinance. Art. 85

The Head of Government presides over the Government. He handles the affairs directly entrusted to him by the Prince and countersigns laws as well as decrees and ordinances issued by the Prince or a Regency, and enjoys the privileges due to the representative of the Sovereign in accordance with the regulations during public ceremonies.

Art. 86

1) The Head of Government shall make a presentation or submit a report to the Sovereign on matters subject to the Sovereign's disposition.

2) Copies of the sovereign's resolutions issued upon his request shall bear the sovereign's handwritten signature and, in addition, the countersignature of the Head of Government.

Art. 87

The Head of Government shall take the oath of office before the Sovereign or the Regent; the other members of the Government and the civil servants shall be sworn in and sworn to their duties by the Head of Government.

Art. 88

If the Head of Government is unable to perform his duties, the Deputy Head of Government shall assume the functions expressly assigned to the Head of Government by the Constitution. If the Deputy Head of Government is also unable to perform his duties, the senior member of the Government Council shall assume his place.

Art. 89

The head of government signs the decrees and orders issued by the government following collegial deliberation; he is also responsible for the direct supervision of the government's operations.

Art. 90

1) All major matters assigned to the government for consideration, in particular the resolution of administrative disputes, are subject to deliberation and decision-making by the collegial government. Certain less important

matters may be delegated by law to the members of the government responsible under the division of duties for independent handling.

2) Minutes of the meetings shall be kept by the Secretary of the Government or, in the event of his absence, by a deputy designated by the collegial government.

3) The head of government shall implement the decisions of the collegial government. Only if he believes that a decision violates existing laws or regulations may he suspend its implementation; however, he must immediately report this to the Administrative Court, which shall decide on the implementation, without prejudice to a party's right to appeal.

Art. 91

To prepare matters to be decided collegially and to independently handle the affairs designated by law for this purpose, the collegial government shall, at the beginning of its term of office, distribute its duties among the head of government and the members of the government. In the event of incapacity, mutual representation shall be provided for.

Art. 92

1) The government is responsible for the enforcement of all laws and legally permissible mandates of the sovereign or the State Parliament.

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

3) To implement other obligations under international treaties, the Government may issue the necessary ordinances, provided that no legislative enactments are required for this purpose.

4) The entire state administration must operate within the bounds of the Constitution, the laws, and the provisions of international treaties; even in matters where the law grants the administration discretionary authority, the limits set by the laws must be strictly observed.

Art. 93

The scope of the government's authority includes, in particular:

- a) the supervision of all authorities and employees subordinate to it, as well as the exercise of disciplinary authority over the latter; the supervision and disciplinary authority over public prosecutors are determined by law;
- b) the allocation of personnel necessary for the government and other authorities;
- c) the supervision of prisons and the general oversight of the treatment of prisoners awaiting trial and convicts;
- d) the administration of provincial buildings;
- e) the supervision of the lawful and uninterrupted operation of the ordinary courts;
- f) the preparation of the annual report on its activities to be submitted to the State Parliament;
- g) the drafting of government bills for the State Parliament and the review of bills referred to it by the State Parliament for this purpose;
- h) authorization of urgent expenditures not included in the budget;
- i) the adoption of resolutions regarding guarantees up to 250,000 francs, the acquisition and disposal of real estate assets valued at up to 1,000,000 francs and administrative assets valued at up to 30,000 francs, as well as, by virtue of statutory authorization, the raising of loans and bonds.

Art. 94

The administrative organization shall be regulated by law.

VIII. Main Section

On the Courts

A. General Provisions

Art. 95

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

2) Judges are independent in the exercise of their judicial office within the legal limits of their authority and in judicial proceedings. They must provide reasons for their decisions and judgments. Influence on the administration of justice by non-judicial bodies is permissible only to the extent expressly provided for by the Constitution (Art. 12).

3) Judges within the meaning of this article are the judges of all ordinary courts (Art. 97–101), the judges of the Supreme Court acting as the Administrative Court (Art. 102 and 103), and the judges of the Constitutional Court (Art. 104 and 105).

Art. 96

1) The Sovereign and the State Parliament utilize a joint committee for the selection of judges. The Sovereign chairs this committee and has the casting vote. He may appoint as many members to this committee as the State Parliament sends representatives. The State Parliament sends one representative from each electoral group represented in the State Parliament. The government appoints the member of the government responsible for the judiciary. The committee's deliberations are confidential. Candidates may only be recommended by the committee to the state parliament with the consent of the sovereign. If the state parliament elects the recommended candidate, the sovereign appoints that person as a judge.

2) If the State Parliament rejects the candidate recommended by the committee and no agreement on a new candidate can be reached within four weeks, the State Parliament must propose an opposing candidate and schedule a referendum. In the event of a referendum, eligible citizens of the state are also entitled to nominate candidates under the conditions of an initiative (Art. 64). If the vote involves more than two candidates, the voting takes place in two rounds in accordance with Art. 113, para. 2. The candidate who receives an absolute majority of the votes is appointed as a judge by the Prince.

3) A judge appointed for a fixed term remains in office until his or her successor is sworn in.

B. The Ordinary Courts

Art. 97

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

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

Art. 98

By law, the handling of specific, precisely defined types of cases in the courts of first instance may be delegated to specially trained and bound-by-instructions non-judicial employees of the District Court (judicial officers).

Art. 99

The Treasury and the princely domain authorities have the right to sue and be sued before the ordinary courts.

Art. 100

- 1) Proceedings in civil disputes shall be governed by the principles of oral proceedings, direct examination, and free evaluation of evidence. In criminal matters, the principle of indictment also applies.
- 2) In civil matters, ordinary jurisdiction in the first instance is exercised by one or more single judges.
- 3) The High Court and the Supreme Court are collegial courts.
- 4) Jurisdiction in criminal matters is exercised in the first instance by the District Court, or, where applicable, by the Criminal Court and the Juvenile Court.

Art. 101

- 1) The President of the Regional Court exercises supervision over the judges of the Regional Court.
- 2) The President of the High Court exercises supervision over the President of the Regional Court and the judges of the High Court. He exercises disciplinary authority over the judges of the Regional Court.
- 3) The President of the Supreme Court exercises supervision over the President of the High Court and the judges of the Supreme Court. He exercises disciplinary authority over the judges of the High Court and the Supreme Court.
- 4) A service senate consisting of three judges of the Supreme Court exercises supervision and disciplinary authority over the President of the Supreme Court.

C. The Supreme Court as an Administrative Court

Art. 102

- 1) Without prejudice to its jurisdiction within the framework of ordinary jurisdiction (Art. 97–101), the Supreme Court also functions as an administrative court.
- 2) The majority of the justices of the Supreme Court, acting as the Administrative Court, must be Liechtenstein citizens.

3) Unless otherwise provided by law, all decisions or orders of the Government and of the special commissions established in lieu of the collegial Government (Art. 78(3)) are subject to appeal to the Supreme Court acting as an administrative court.

4) For international administrative assistance proceedings, the law may provide for the authority of a judge of the Supreme Court to approve certain measures, as well as for a direct appeal by the authority that issued the order in the first instance to the Supreme Court acting as an administrative court.

Art. 103

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

D. The Constitutional Court

Art. 104

1) A Constitutional Court shall be established by a special law as a court of public law for the protection of constitutionally guaranteed rights, for the resolution of conflicts of jurisdiction between the courts and administrative authorities, and as a disciplinary court for members of the government.

2) Its jurisdiction further includes reviewing the constitutionality of laws and international treaties, as well as the legality of government ordinances; in these matters, it rules with the power of cassation. Finally, it also functions as an electoral court.

Art. 105

1) The Constitutional Court consists of five judges and five alternate judges, who are appointed by the Prince (Art. 96). The President of the Constitutional Court and the majority of the judges must be Liechtenstein citizens.

2) The term of office for full-time judges of the State Court is 15 years; however, it ends in any case with the calendar year in which the full-time judge reaches the age of 70. Re-election is not permitted, unless the terms of office of both full-time judges end within a period of two years; in this case, one of the judges concerned may be re-elected for a maximum of two years.

3) The term of office for part-time judges and alternate judges of the State Court is five years. The term of office is to be structured so that one

different judge or substitute judge leaves office. If a judge or substitute judge leaves office prematurely, the successor is appointed for the remainder of the departing judge's term of office. Re-elections are permitted.

4) If a judge is unable to perform his or her duties, he or she shall be represented in such cases by a substitute judge. The rules of procedure of the State Court shall contain provisions regarding representation by substitute judges.

5) The organization of the State Court is determined by law.

IX. Main Section

On Public Authorities and Public Servants

Art. 106

Permanent judicial positions may be created only with the consent of the State Parliament.

Art. 107

The organization of public authorities shall be established by law. Subject to the provisions of international treaties, all public authorities shall have their seat within the country; collegial public authorities shall be composed of a majority of Liechtenstein nationals.

Art. 108

Members of the government, state employees, and all local council members, their deputies, and municipal treasurers must take the following oath upon assuming office:

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

Art. 109

1) The State, the municipalities, and other public-law corporations, institutions, and foundations are liable for damages unlawfully caused to third parties by persons acting as their agents in the performance of their official duties. In cases of intent or gross negligence, the right to seek recourse against the persons at fault is reserved.

2) Persons acting as organs shall be liable to the State, the municipality, or other public-law corporation, institution, or foundation in whose service they are employed for damage they directly cause to them through intentional or grossly negligent breach of official duties.

3) The specific provisions, in particular regarding jurisdiction, shall be established by law.

X. Main Section

On Municipalities

Art. 110

1) The laws govern the structure, organization, and responsibilities of municipalities within their own and delegated spheres of authority.

2) Municipal laws shall establish the following basic principles:

- a) free election of the mayor and other municipal bodies by the municipal assembly;
- b) independent administration of municipal assets and management of the local police under the supervision of the state government;
- c) maintenance of a regulated system of poor relief under the supervision of the state government;
- d) the municipality's right to admit citizens and the freedom of residence for state nationals in every municipality.

Art. 111

In municipal matters, all provincial nationals residing in the municipality who have reached the age of 18 and are not disqualified from voting are eligible to vote.

XI. Main Section

Constitutional Guarantees

Art. 112

1) Upon its promulgation, this Constitution shall be generally binding as the country's fundamental law.

2) Amendments or generally binding interpretations of this Basic Law may be proposed by the Government, the State Parliament, or through a legislative initiative (Art. 64). They require, on the part of the State Parliament, the unanimous consent of its members present or a three-quarters majority of those present at two consecutive sessions of the State Parliament, or, if necessary, a referendum (Art. 66), and in any case the subsequent consent of the Sovereign, except for the procedure for the abolition of the monarchy (Art. 113).

Art. 113

1) At least 1,500 citizens of the province have the right to submit an initiative to abolish the monarchy. In the event that the initiative is accepted by the

people, the State Parliament must draft a new constitution on a republican basis and submit it to a referendum no sooner than one year and no later than two years thereafter. The sovereign has the right to submit a new constitution for the same referendum. The procedure set forth below replaces the constitutional amendment procedure under Art. 112, para. 2, in this respect.

2) If only one draft is submitted, an absolute majority is sufficient for its adoption (Art. 66, para. 4). If two drafts are submitted, eligible voters have the option to choose between the existing constitution and the two drafts. In this case, eligible voters have two votes in the first ballot. They allocate these votes to the two constitutional options they wish to see proceed to the second ballot. The two constitutional options that receive the most first and second votes advance to the second ballot. In the second round of voting, which must be held 14 days after the first round, eligible voters have one vote. The constitution that receives an absolute majority is deemed adopted (Art. 66, para. 4).

XII. Main Section: **Final**

Provisions Art. 114

All laws, ordinances, and statutory provisions that conflict with an explicit provision of the present Constitution are hereby repealed or rendered invalid; those legal provisions that are not in harmony with the spirit of this Constitution shall be subject to constitutional revision.

Art. 115

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

2) The Government shall draft the laws provided for in this Constitution with the utmost haste and submit them for constitutional consideration. Vaduz, October 5, 1921

On behalf of His Serene Highness, the Reigning Prince Johann II of and to Liechtenstein, and in accordance with the mandate granted by him in a letter dated October 2, 1921:

signed *Karl*

Signed, *Jos.*

Ospelt

Princely Councilor

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

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

In granting my sovereign sanction to this resolution, I express my heartfelt wish and hope that, just as the representatives of my people came together harmoniously in the creation of this legislative work so significant for the country, without distinction of party, so too may the spirit of the same harmony continue to unite the people of My country in peaceful work for the lasting good of the whole and all its parts, and may new prosperity and abundant blessings blossom for My people and My country from the time-honored cooperation between State and Church—which is to be continued—under God’s protection, even on the foundation of the new Constitution.

I would gladly have granted your request and signed the constitutional document myself in Vaduz, the capital of my country, in the midst of my faithful and beloved people; to my deep regret, I am currently prevented from doing so for health reasons.

However, in order to express My joy at the completion of this great reform and to give My country a token of My paternal love, I hereby entrust, in accordance with Article 13 of the new Constitution, My beloved nephew, His Serene Highness Prince Karl von und zu Liechtenstein, who is currently residing in the country, to sign the constitutional document on My behalf in Vaduz on October 5 of this year this year, the day on which, by God’s gracious providence, I hope to reach my eighty-first year of life, to sign the constitutional document on my behalf in Vaduz.

At the same time, I extend my paternal greetings to my beloved people and express my heartfelt thanks and appreciation to all those who have worked harmoniously and successfully to bring about the new Constitution.

I instruct you to make these resolutions of mine known to the public.

Feldsberg, October 2, 1921

Signed, *Johann*

signed *Jos.*

Ospelt

Princely Council

My dear nephew, Prince Karl!

Pursuant to Article 13 of the law passed by the State Parliament of My Principality at its session on August 24, 1921, and ratified by Me, I hereby entrust Your Excellency with the task of signing the new constitutional document on My behalf on My birthday—October 5, 1921—in Vaduz, the capital of My Principality.

I remain your ever-affectionate and benevolent uncle. Feldsberg, October 2, 1921

II. Law on the Administration of the State (LVG)

of April 21, 1922

on General State Administration (the administrative authorities and their auxiliary bodies, proceedings in administrative matters, administrative enforcement and administrative penalty proceedings)

I. Main Section

On Administrative Authorities, Their Auxiliary Bodies, and the Administrative Court

I. Section:

Organization

Art. 1

Government and Administrative Court

- 1) The administrative authorities responsible for handling administrative matters within the meaning of this Act are, unless laws or valid regulations provide for exceptions, the Government and the Administrative Court and their auxiliary bodies.
- 2) The appointment of the Government and the Administrative Court is governed primarily by the relevant provisions of the Constitution (Articles 79 and 102) and, where the Constitution is silent, by the provisions set forth below.
- 3) Repealed
- 4) Repealed

Art. 2

Hierarchy of Instances and Compliance Therewith

- 1) The government (official) handles all administrative matters falling within its jurisdiction in the first instance and resolves municipal administrative matters referred to it through the appeals process.
- 2) It is also the supervisory authority over the municipal administration (Art. 110 of the Constitution and Arts. 123 and 136 of this Act).
- 3) Appeals against administrative acts of the government and of special commissions appointed in its stead (decisions, rulings, etc.) shall be brought before the Administrative Court, unless the Constitution or laws provide otherwise.

3a) Where the laws so provide, the Administrative Court may adjudicate in administrative disputes as the court of first and only instance. The filing of complaints shall be governed by the provisions of the Code of Civil Procedure, applied *mutatis mutandis*. The action may also seek a declaration of the existence or non-existence of a right or legal relationship if the plaintiff has a legal interest in the existence or non-existence of such right or legal relationship. Actions may also be brought to modify rights or legal relationships.

4) Until the first competent provincial or municipal administrative authority in the relevant administrative matter has issued a ruling or decision, the higher authority may not rule or decide on the matter, either upon a party's motion or *ex officio*, except in the case of supervisory complaints (Art. 23) or in cases of emergency.

5) Accordingly, the higher authority may issue its decisions only as the result of its supervision or review of the decisions made by lower authorities through the appeals process.

6) Accordingly, the higher authority may not:

a) issue instructions of any kind intended to preempt a lower-level authority's decision regarding the specific rights and interests of the parties; this does not affect the lower-level authority's right to request information;

b) in exercising its right of supervision and oversight, make the decision itself in place of the lower authority, but may only urge the lower authority to fulfill its official duties.

Art. 3

Judicial Independence

1) The judges of the Administrative Court are independent in the exercise of their office and are subject only to the Constitution and the laws.

2) In this sense, they shall apply laws and regulations to individual cases after examining their validity and subject to referral to the Constitutional Court (Art. 104(2) of the Constitution), without being subject to orders from non-judicial bodies in the exercise of their office.

3) Repealed

4) Repealed

5) Repealed

Auxiliary Bodies—Representatives of Public Law

1) Auxiliary bodies of the government and the Administrative Court within the meaning of this Act are representatives of public law, employees of the Government Chancellery, mayors, and other public officials in accordance with the provisions contained in this Act and in other regulations.

2) Mayors, other municipal bodies, and employees shall, in order to avoid the adverse consequences threatened in the existing regulations (Art. 136), punctually and precisely comply with the lawful orders issued to them by state authorities and appear before them when summoned.

3) Before the Administrative Court, as well as in proceedings before the Government, a representative of the public interest (public prosecutor) may appear, at the discretion of the Government Council, to represent the province or a municipality for the purpose of safeguarding public law or the public interest, if a provincial or municipal authority is a party to the proceedings, or if the matter concerns the representation of administrative criminal cases before the Administrative Court.

4) The representative of public law receives instructions from the government; in cases of doubt, he may file all motions admissible in a proceeding and before all courts, authorities, and administrative bodies, either orally or in writing, and provide justification for them.

5) He may also, where the public interest permits, act as a representative for an indigent party at the party's request to the government and, in such cases, must accept the instructions from the party that are permitted by law.

Art. 5

Government Chancellery

1) The Government Chancellery is responsible for:

- a) the receipt of documents addressed to the government or, unless exceptions apply, to other state officials (Art. 48, 52, 54, 148, and 152);
- b) the issuance of decisions and other official acts by the authorities and public officials referred to in subparagraph (a);
- c) the service of notices and summonses, as well as the safekeeping of files;
- d) the performance of all other official acts assigned to it by law or ordinance.

- 2) The persons (clerks) used to keep the minutes during proceedings or other official acts must be sworn in.
- 3) As a rule, the Government Secretary shall be appointed for this purpose; in the event of his incapacity or absence, the clerk shall be selected from among the staff of the Government Chancellery.
- 4) Repealed
- 5) When a public official makes a decision or issues an order, he or she may keep the relevant record personally.

Art. 5a

Administrative Court Registry

- 1) An Administrative Court Registry shall be established at the Administrative Court, which shall be headed by the President.
- 2) The Administrative Court Registry is responsible for:
 - a) the issuance of court decisions, summonses, and other official documents;
 - b) the registration of cases and the maintenance of case files; and
 - c) the handling of other administrative matters of the Administrative Court.

- 3) Repealed

Art. 5b

Repealed

II. Section

Recusal (Art. 82 and 103 of the Constitution)

Art. 6

Recusal in Administrative Matters

- 1) The Head of Government, a member of the Government or of the Administrative Court, or any other public official is excluded from performing an official act in an administrative matter, subject to nullity in other respects (Art. 106):
 - a) in matters in which they themselves are a party or in respect of which they stand in the relationship of a co-entitled party, co-obligor, or party liable for recourse to one of the parties;

b) in matters involving their fiancés, spouses, registered partners, de facto partners, or persons who are related to them in a direct line of descent or by marriage, or with whom they are related in a collateral line up to the fourth degree or related by marriage in the second degree;

c) in matters concerning their adoptive or foster parents, their adopted or foster children, their wards, or persons under their care;

d) in cases in which they have been or are currently appointed as an agent, administrator, or managing director of a party, or in a similar capacity;

e) in matters in which they participated in the issuance of the contested order or decision at a subordinate municipal or state administrative authority, or acted as a witness or expert;

f) in matters involving a party with which they have applied for a position or from which they have received or accepted a current job offer.

2) If the head of government, a member of the government, or any other public official has been involved in administrative proceedings, preliminary investigations, or administrative enforcement proceedings, they are not thereby excluded from participating in a subsequent decision or order issued regarding the same administrative matter.

Art. 7

Recusal in Administrative Matters

An official referred to at the beginning of the preceding article may be recused:

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

b) if they themselves or any of the persons referred to in Art. 6(a) can expect to derive a significant advantage or disadvantage from the outcome of the administrative matter;

c) if they themselves are a member of a company or have an interest in a legal entity (excluding the status of nationality) that is the subject of the administrative matter;

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

Recusal and Disqualification in Administrative Criminal Cases

Art. 8

Exclusion

1) The head of government, other members of the government, members of the Administrative Court, other public officials, and the court clerk are disqualified from performing official acts in administrative criminal proceedings, under penalty of nullity, if any of these persons is the victim of the criminal offense or if the accused (or a party to the forfeiture proceedings, a party subject to a fine, or a party subject to a penalty) is engaged to the victim, is married to the victim, lives with the victim in a registered partnership, or lives with the victim in a de facto cohabitation, or if the accused is engaged to the accused, is married to the accused, lives with the accused in a registered partnership, or lives with the accused in a de facto cohabitation. or injured party) or the injured party is engaged to them, is married to them, lives in a registered partnership with them, or is in a de facto cohabitation with them, or if the accused (party subject to confiscation, party required to provide representation), the injured party, any representative of public law, the private prosecutor, the private party, or the attorney (defense counsel), or any other authorized representative is related to the person in a direct line of descent or ascendance, is a sibling of the person, or is related to the person in an even closer degree or by marriage to the same degree, or is in a relationship with the person as adoptive or foster parents, adoptive or foster children, or a ward.

2) Unless exceptions apply, the following persons are also excluded from exercising official duties in administrative criminal matters, under penalty of nullity:

a) who, outside the scope of their official duties, has been a witness to the act in question or has been examined as a witness or expert in the matter, or who has been used as an official witness in the present case, who has acted as a complainant, or possibly as a prosecutor, representative of the private party or private prosecutor, or as a defense counsel, or who has participated as a representative of public law; or anyone who, as a local mayor or other municipal official, has decided or ruled in the relevant administrative criminal matter;

b) anyone who stands to gain or lose from the acquittal or conviction of the accused, the party subject to forfeiture, or the party required to provide representation.

3) A person who has issued a penal order or participated in proceedings to enforce compliance is not thereby precluded from subsequently participating in a ruling or decision concerning the same matter.

Art. 9

Disqualification at the Administrative Court in Administrative Criminal Matters

1) Members of the Administrative Court are, in particular and subject to nullity otherwise, also excluded:

- a) from deliberating and voting on all administrative criminal matters in which they acted as investigating bodies;
- b) from deliberating and voting on appeals against all orders (penal orders) and decisions in which they themselves participated in the voting in a lower instance;
- c) from presiding over the hearing and from chairing proceedings in administrative criminal matters in which a person who is in one of the relationships described in paragraph 1 of the preceding article acted as an investigating body or rapporteur for the government.

2) If an administrative matter is simultaneously connected to administrative criminal proceedings, the provisions of Articles 7 and 8 must also be observed.

Art. 10

Recusal in Administrative Penal Matters

The representative of the public interest, the private party, the private prosecutor, and the defendant (party to the forfeiture proceedings or the person subject to representation) may challenge members of the government or the Administrative Court, other public officials, or court clerks if, in addition to the grounds specified in the preceding Articles 8 and 9, are able to state and demonstrate other grounds that are sufficient to cast doubt on the full impartiality of the person to be challenged.

Exclusion and Recusal Proceedings

Art. 11

In General

- 1) Any member of the Government or the Administrative Court, or any other public official, must abstain from all administrative acts from the moment in which he or she becomes aware of a ground for exclusion, failing which such acts shall be null and void.
- 2) Only if there is imminent danger and the appointment of a substitute cannot be effected immediately shall such an official perform the urgently necessary administrative acts.
- 3) As soon as a public official becomes aware of any grounds for disqualification, recusal, or other impediment, he or she is required to report this to the

Head of Government, and if the Head of Government is personally affected, to the Deputy. (Art. 88 of the Constitution).

4) If there is a ground for disqualification or an obvious ground for recusal, the Head of Government shall without delay summon a deputy for the member of the Government or the Administrative Court who is recusing themselves, or appoint a deputy for the other public official.

Art. 12

Assertion of Recusal by the Parties. Appointment of a Replacement

1) In the case of collegial authorities, invitations to members and the agenda, listing the parties concerned, as well as summonses to oral proceedings—which must include the names of the authority members presiding over these matters—shall generally be served on the parties to the proceedings, provided they are known, in such a timely manner that a period of at least 10 days runs from the date of service of their summons, a period of at least 10 days remains until the hearing. This generally also applies to summonses in preliminary investigations or in preliminary proceedings.

2) The parties' right to challenge is forfeited if the summons period specified in the preceding paragraph is observed, provided that the motion asserting the challenge is not filed with the government at least five days prior to the hearing date.

3) Except in the case provided for in the last paragraph of the preceding article, the Head of Government shall decide on any challenge; if the challenge concerns the Head of Government or the President of the Administrative Court, the relevant panel shall make the final decision.

4) If a challenge is granted or a member is excluded, the Head of Government shall promptly arrange for the appointment of a substitute or another presiding officer (official).

5) However, if the number of members of an authority and their substitutes who have been excluded or recused for valid reasons exceeds three, or if a member is permanently removed from office due to death, illness, or other compelling reasons, the government shall immediately arrange for a replacement appointment with the competent authority.

Art. 13 *Obligation*

to Reimburse Costs

Repealed

Exclusion and Recusal of Other Administrative Bodies

1) The foregoing provisions on exclusion and recusal shall also apply to civil servants and employees of the Government Chancellery, provided that the Head of Government is empowered to make the final decision.

2) Government bodies, such as the Landweibel and similar entities, to which the preceding provisions do not apply, must, if they find themselves in a situation that would disqualify a member of the government, report this situation to the Head of Government. The Head of Government shall issue the necessary instructions.

Art. 15

Exclusion of the Representative of Public Law

1) Any person to whom the grounds set forth in Articles 6, 7, and 8 apply is excluded from acting as a representative of public law, unless acting as a representative of the poor.

2) The representative is required, from the moment he becomes aware of a ground for disqualification, to refrain from taking any action in the matter for which he appears to be disqualified, and to notify the head of government so that a substitute may be appointed if necessary.

III. Section:

Administration Art.

16

Convening and Representation of Authorities and Meetings

1) The Government or the Administrative Court is convened by the Head of Government or the President, or at the request of a member.

2) Externally, the Head of Government or the President represents the respective authority.

3) The meetings of the Government shall generally take place once a week, and additionally as needed. (Art. 90 of the Constitution).

4) The Administrative Court holds meetings as needed.

5) When scheduling and holding meetings, care should be taken, as far as possible, to ensure that pending cases are resolved as quickly as possible and that multiple administrative matters are addressed in a single meeting.

Art. 17

Quorum, Deliberation, and Decision-Making. Circulation of Documents

- 1) The Government and the Administrative Court must be in full session during deliberations and when making decisions.
- 2) The Government adopts its decisions by majority vote (Art. 90 of the Constitution).
- 3) Furthermore, with regard to deliberations and voting in the Government and the Administrative Court in ordinary administrative proceedings (compulsory administrative proceedings), the relevant provisions of the Jurisdiction Act shall apply *mutatis mutandis*, and in administrative criminal proceedings, the relevant provisions of the Code of Criminal Procedure shall apply *mutatis mutandis*.
- 4) Prior to a meeting, the Head of Government or the President may order the circulation of files among the members of the relevant collegial body for the purpose of review and preparation.

IV. Section

Miscellaneous Provisions

Art. 18

Oath of Office

- 1) Repealed
- 2) Repealed
- 3) All officials mentioned in the preceding articles, with the exception of the representative of public law, shall take the oath of office prescribed by the Constitution upon assuming office.

Art. 19

Responsibility

- 1) The members of the Government and the Administrative Court, or other public officials who make decisions or issue orders pursuant to this Act, are responsible for the exercise of their office in accordance with the Constitution and the laws, as provided by the Constitution and the relevant laws.
- 2) Repealed
- 3) Repealed
- 4) Repealed

Art. 20 Repealed

Art. 21 *Reporting*

1) The Government shall submit an annual report to the State Parliament by the end of February covering the entire administrative territory, including ordinary administrative proceedings and administrative coercive and administrative penal proceedings (Art. 62 and 93 of the Constitution).

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

3) The Government's comprehensive report shall, among other things, include any observed deficiencies in the provincial administration and proposals for appropriate remedies.

Art. 22

Prohibition on Reporting

1) Members of the Government and the Administrative Court are prohibited, in the course of their official duties, from receiving private visits from parties to a case, or from visiting or inviting such parties to their premises, for the purpose of reporting to them on the status of the administrative case or its prospects, or of providing them with advice or information.

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

3) The foregoing provisions apply to the presiding officer, to those entrusted with the investigation in administrative criminal proceedings, and to other officials who otherwise render decisions or issue orders, unless otherwise provided by law.

Art. 23

Supervisory complaints

1) Supervisory complaints by the parties against the Government, the Head of Government, or the other members of the Government regarding improper conduct in the performance of official duties, or regarding the refusal or delay of an administrative act, shall be filed with the Administrative Court; against other public officials, with the Government (Art. 93 of the Constitution); however, if the matter concerns a disciplinary issue involving a member of the Government, the Administrative Court, or its members, such complaints shall be filed with the Disciplinary Court as immediate complaints (Art. 104 of the Constitution).

2) A supervisory complaint may also be filed if a formal complaint is not accepted, the complaint deadline has been missed, or the formal complaint process has been exhausted, unless exceptions apply (para. 5).

- 3) All complaints that are not manifestly unfounded must be communicated to the relevant authority or public official with a request to remedy the complaint within a specified period and to report on the matter, or to state the obstacles preventing such action.
- 4) Complaints against civil servants and employees of the Government Chancellery and against enforcement agencies for failure to comply with or improper performance of official duties imposed on them by law or by the Government (officials), or for improper conduct, complaints shall, unless otherwise provided for in individual cases, be lodged orally or in writing with the Government; an appeal against the Government's decision may be filed with the Administrative Court within 14 days (Art. 93 of the Constitution).
- 5) If the complaint is directed against the inaction of an authority or an official, it is not subject to any time limit; however, if it is directed against an administrative act notified to the complainant, the time limit for filing a complaint is 14 days from the date of notification.
- 6) The complainant must be notified of a reasoned decision, which is to be designated as a supervisory order or supervisory decision; (Art. 43 of the Constitution).
- 7) These provisions do not affect further provisions of the Constitution (Art. 43, 62).

Jurisdiction and Administrative Assistance

Art. 24

Jurisdiction

- 1) As soon as an administrative matter is brought before the Government or another administrative authority or official mentioned in this Act, or before the Administrative Court, the latter shall, without being bound by the information provided by the parties, examine ex officio the circumstances relevant to its jurisdiction and, for this purpose, request the necessary clarifications from the parties involved.
- 2) In case of doubt as to whether a matter falls within the jurisdiction of the courts or the administrative authorities, the jurisdiction of the ordinary courts shall be presumed.

3) The Constitutional Court decides on any disputes over jurisdiction between courts and administrative authorities (Art. 104 of the Constitution). Disputes over jurisdiction within administrative authorities are resolved through the administrative appeal process.

4) If the relevant administrative authority lacks jurisdiction in an administrative matter, it must declare its lack of jurisdiction upon request or ex officio by means of a decision.

5) During a dispute over jurisdiction, the administrative authority or the court may issue the necessary provisional orders to safeguard the public interest or to protect the parties or the purpose of the proceedings; however, any enforcement proceedings must be suspended for the time being until the State Court has rendered its decision, unless the protection of the public interest requires otherwise.

Art. 25

Administrative Assistance

1) The administrative authorities (officials) and bodies of the state and the municipalities, as well as the courts, shall provide mutual assistance in the performance or enforcement of administrative acts (administrative assistance, administrative cooperation), whether such assistance is otherwise provided for by law or not.

2) Domestic municipal administrative authorities may, in important administrative matters, unless established practice or laws provide otherwise, grant assistance to foreign administrative authorities only through the government.

3) The extent to which the government is authorized to provide assistance to foreign administrative authorities or bodies, either on its own behalf or through other state administrative authorities, is governed by the relevant provisions (treaties, administrative agreements, government declarations, laws, or regulations), established practice, or reciprocity, provided that such administrative assistance is not prohibited under the principles of public law.

4) The Administrative Court shall rule on appeals by the parties regarding the government's refusal or granting of administrative assistance; pending its decision, any such assistance shall be suspended for the time being, subject to precautionary measures.

5) In the performance of administrative assistance, the authorities (officials) and their bodies may apply the coercive measures permitted within their jurisdiction, in particular penalties for non-compliance, without prejudice to the right of appeal (Art. 29(4)).

Art. 26

Scope of Application

- 1) The provisions in this section concerning the Government, the Administrative Court, or other authorities or administrative bodies shall apply, unless exceptions arise, to all administrative matters to be decided by them, whether or not such matters are to be decided in the types of proceedings governed by the following sections.
- 2) In particular, individual public officials must also, when performing official acts, examine, in addition to their jurisdiction, whether they are required to recuse themselves or not.

II. Section

Simple Administrative Proceedings

I. Section

General Provisions**A. Applicability**

Art. 27

General Provision on Jurisdiction

- 1) The government or the otherwise competent official shall proceed in administrative matters (administrative orders, directives, grants of permission, awards, administrative acts establishing, modifying, or revoking rights, etc.) in accordance with the provisions of this section:
 - a) If, by law or valid regulation, a hearing involving the parties, interested parties, stakeholders, etc. (Art. 31), whether these are individuals or legal entities (companies) under public or private law, prior to the issuance of an order or decision, without more detailed provisions being issued for the proceedings than those requiring a thorough or exhaustive investigation of the facts.
 - b) Furthermore, the provisions of this section shall apply supplementarily to the extent that the procedural rules imposed on the government by laws or valid ordinances do not contain provisions regarding the matters regulated in this section.
 - c) Finally, subject to the exceptions set forth in this Title, all binding decisions or orders concerning the rights or legal

interests (rights and obligations) of specific individuals shall be issued in accordance with the procedural forms prescribed herein.

2) The extent to which the provisions of ordinary administrative procedure also apply to administrative enforcement proceedings (Art. 110) or to proceedings before the Administrative Court (Art. 104 of the Constitution) is determined by special provisions or laws.

3) The administrative authority (official) with jurisdiction over the main matter must also decide independently on all preliminary and interim issues within its jurisdiction (Art. 73 and 74), unless there are final court decisions (judgments, land registry decisions, etc.) regarding the preliminary or interim issue or statutory exceptions apply.

4) In all other respects, the orders and decisions are issued without prejudice to any civil or criminal legal relationships.

Art. 28

Public-law encumbrances and claims

1) In accordance with the preceding article, the simple administrative procedure shall also be followed:

a) in the determination of public encumbrances (in-kind obligations, such as common encumbrances, preferential encumbrances, and association encumbrances) and public monetary levies (such as taxes, fees, charges, and contributions of any kind), provided that they are to be determined through proceedings within the scope of the government's authority;

b) in the assertion of claims under public law by an individual or legal entities (corporations and institutions), whether governed by public or private law, against the state, the municipality, or other public or private law corporations or institutions (in particular, financial claims for money, compensation, etc., arising from public service relationships; claims for restitution and claims arising from public-law agency without authority and public-law compensation, etc.);

c) in disputes between public-law legal entities and a private individual regarding the existence, use, and scope of property belonging to the administrative assets or in common use.

This repeals the relevant provision of Article 101 of the Final Title of the Property Law.

2) The exception contained in the following article remains reserved.

3) In the case of public-law encumbrances and claims, default interest of five percent may be claimed from the due date.

Art. 29

Excluded Administrative Matters

1) The provisions on the ordinary administrative procedure do not apply:

a) all administrative matters handled under private law and subject to ordinary legal recourse, and all purely factual administrative acts;

b) matters relating to the right to vote and the conduct of the census; matters of foreign and judicial administration;

matters concerning the State's supervisory relationship with municipalities, unless this Act provides for exceptions (Art. 136), or the relationship of official supervision (internal matters, instructions);

claims brought by an administrative authority equivalent to the government against the government in the interest of the administrative branch, and vice versa;

further, the provision of information or simple notifications, requests, confirmations, determinations, record-keeping, general inquiries, certifications (approvals), or other matters of a purely formal nature, such as the issuance of identification documents, certificates, and administrative acts of a similar nature;

further, to charges and levies, where the law or valid regulations specifically define and directly determine them, provided that a determination to be made in a simple administrative procedure is not required (Art. 121 and 125); to administrative penal proceedings;

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

2) However, in matters excluded under (b)—with the exception of administrative penalty proceedings and matters pertaining to the administration of justice and foreign affairs—if, in a proceeding, an official decision is issued against one or more parties (interested parties) in a specific case, determining what is

~~(LVG)~~

(e.g., refusals, rejection of administrative acts), or in what manner conflicting, legally recognized interests are to be balanced (decision), or if the administrative authority (official) grants, revokes, or modifies a right, or if the matter involves an appeal, and no special procedural rules have been established for this purpose, or if the existing rules do not cover all the circumstances set forth in this section, then the provisions of this section shall apply in accordance with Art. 27 (Arts. 86 and 90).

3) In case of doubt as to whether a matter is to be handled in accordance with the simplified administrative procedure regulated herein, the government shall decide concurrently with the main matter, and an appeal against its decision is admissible in any case.

4) Articles 59, 68 through 72 may also be applied *mutatis mutandis* in administrative proceedings in matters not otherwise covered, in accordance with the second paragraph.

Art. 30

Municipal Administrative Matters

1) The provisions of this main section shall not apply to proceedings in municipal administrative matters within the municipality's own sphere of activity, with the exception of the provisions on service of process and the calculation of time limits, and, unless otherwise provided, no exceptions shall apply.

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

3) The provision of Art. 90, para. 6a applies *mutatis mutandis* to appeals against municipal administrative authorities.

B. Parties and Their Representatives and Counsel

Art. 31

Parties

1) A party (co-party, interested party, counter-party) in these proceedings is to be considered to be anyone who approaches the administrative authority (official) with a request that the authority perform or refrain from performing a sovereign administrative act in the legal interest of the applicant (interested party), or anyone who, as a potential subject of a public duty or a public right, is subject to a specific procedure for the

determination of the obligated or entitled party, or, finally, to whom the authority addresses an order or decision as a result of a proceeding. In case of doubt, the status as a party (entitled party, interested party, etc.) must be determined with regard to the subject matter and on the basis of the applicable laws.

2) Public-law entities, such as the state, municipalities, etc., and public institutions, are also parties to the proceedings, provided they are not acting in the exercise of their sovereign powers.

3) Legal capacity (to be a party) and capacity to act, as well as standing to sue, shall be assessed in accordance with the provisions of the General Civil Code and other relevant laws, unless otherwise provided by administrative laws or this Act.

4) In all other respects, with regard to legal capacity, standing to sue, joint litigation, and any intervention, the provisions of the Code of Civil Procedure shall apply *mutatis mutandis*, unless otherwise provided (Art. 32).

5) The authority (official) may, upon request or *ex officio*, order the joinder of third parties as parties whose interests are affected by the decision to be rendered or the order to be issued; an appeal is admissible against the rejection of the request.

6) In this case, the decision or order is also binding on the third party, regardless of whether they participated in the proceedings or not.

7) However, the provisions regarding the obligation to reimburse costs also apply to them.

Art. 32

Authorized Representatives and Counsel

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

2) Spouses and registered partners may represent one another in these proceedings to the extent permitted by law. The same applies to parents with respect to their children. With regard to the representation of corporations

and institutions, the special statutory or charter provisions apply, supplemented by the provisions of private law (Art. 139(4)).

3) Persons who are in a permanent management relationship with a party may be admitted to represent that party on a regular basis in the proceedings governed by this section only if they hold a managerial position, such as that of a proxy, director, general representative, or commercial agent.

4) If difficulties arise due to the diversity or simultaneous handling of similar rights or interests vis-à-vis different parties to the proceedings, and if those bound by common rights or interests can be grouped under a common representative (group parties) or under several, then, following a fruitless request to the parties to appoint a common representative, the administrative authority (official) may appoint one or more such representatives at the risk and expense of the parties, and may issue all orders and decisions to him with legal effect, with the exception of those issued in administrative enforcement proceedings. The joint representative is authorized by law to perform all acts legally effective on behalf of the parties, whom he shall notify and who may provide him with information for this purpose, unless personal appearance is expressly required.

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

6) In all other respects, the relevant provisions of the Code of Civil Procedure apply mutatis mutandis to professional representation of the parties and legal counsel.

Art. 33

Powers of Attorney

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

2) Persons unable to write may issue a power of attorney in accordance with the provisions of the General Civil Code (§ 886) or otherwise have it recorded in the minutes.

- 3) Judicial or municipal certification of the signature or handwritten mark shall be required only in the event of doubts arising as to its authenticity, and even in such a case, it may be waived if a qualified domestic representative of the party intervenes and confirms the authenticity by a handshake.
- 4) It is permissible for several parties to appoint an agent or representative by means of the same power of attorney.
- 5) As to the content of the power of attorney, it is necessary and sufficient that it authorize the making of legally binding declarations, the declaration of waivers of rights, and the conclusion of settlements.
- 6) The effect and duration of the power of attorney shall be assessed by applying the provisions of the Code of Civil Procedure *mutatis mutandis*.
- 7) Once the purpose for retaining them has ceased to exist, the powers of attorney must be returned to the parties upon their request.

Art. 34

Admission to Participate in the Proceedings

- 1) The determination and verification of the parties' capacity to be a party, their capacity to be a party to legal proceedings, and their capacity to conduct legal proceedings, as well as the standing of the parties and their representatives to be summoned, must take place prior to the summons.
- 2) The summons must be issued in such a manner that the proceedings are not interrupted due to a lack of legal capacity on the part of the summoned parties or a lack of capacity to conduct the proceedings on the part of the summoned parties' representatives.
- 3) If the examination cannot be carried out prior to the summons, that is, in particular, if persons not summoned appear as parties in the case of a summons procedure, or if doubts arise as to the accuracy of the result of the examination conducted prior to the summons, or if party representatives or legal representatives of the parties appear in place of the summoned parties, the examination ordered herein must be conducted before the proceedings commence.
- 4) The examination of legal capacity, as well as the ordering of measures necessitated by a party's lack of legal capacity, by the lack of capacity of a representative appearing on behalf of the party to conduct the proceedings, or by the inability of a party, a legal representative, or an authorized representative to make intelligible statements, shall be governed by the relevant provisions of the Code of Civil Procedure.

5) The appointment of a guardian ad litem for a party lacking legal capacity, as provided for in § 8 of the Code of Civil Procedure, shall be made by the Regional Court at the request of an administrative authority.

C. Costs in Administrative Proceedings

Art. 35

Principles Governing Liability for Costs

1) In proceedings that may be initiated only upon the application (intervention) of a party, such as for the granting of a permit, the initiation of expropriation, a concession, etc., the reimbursement of all costs and fees of the proceedings, as well as the costs incurred by the other parties except the applicant, shall be borne by the applicant.

2) If proceedings are initiated ex officio due to the unlawful state of a matter, the costs of both kinds incurred thereby shall be borne by the party responsible for that state through unlawful conduct; however, if no fault exists or the party at fault cannot be identified, the costs shall be borne by the owner.

3) In all cases, however, each party shall be required to bear those costs of both kinds which it has incurred through frivolous motions, frivolous objections to the other party's motions, or other acts intended to delay proceedings, or through motions that are capable of forming the subject matter of an independent proceeding to be conducted solely upon a party's motion.

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

Art. 36

Provision in lieu of a decision on costs. Joint and several liability

1) Unless any of the cases listed in the preceding article applies, the costs of the proceedings shall be apportioned equitably among the parties, and the costs incurred by the parties shall be set off against each other or apportioned proportionately.

2) Several persons linked by an identical interest or grouped under a common representative (Art. 32(4)), or persons jointly at fault for an unlawful act or omission, shall, if the motion

or the fault gives rise to a liability for costs and a fair basis for allocation cannot be determined, bear jointly and severally the costs of the proceedings caused by their claim or their fault, as well as those of the other parties.

Art. 37

Costs of the Parties, Authorized Representatives, and Attorneys

1) For the personal participation of the parties in the proceedings, the administrative authority may, at its discretion, award them compensation for the time expended based on the local daily wage.

2) If they have been summoned in person for the purpose of being examined as informants, they may be awarded fees in accordance with the provisions applicable to witnesses.

3) The remuneration of the representatives and their counsel (counsel) shall be determined for the purpose of establishing the claim for reimbursement of costs, taking into account the appropriateness and necessity of the steps they have taken and the significance of the subject matter of the proceedings, whereby the efforts of the representatives and counsel to clarify the factual and legal situation, to reach an agreement between the parties, and to ensure the expeditious conduct of the proceedings shall be given special consideration.

4) The same principle shall apply to the determination of the remuneration of the parties' technical representatives, if there was any reason at all for their engagement in the proceedings.

Art. 38

Fees for Witnesses and Experts

The amount of fees for witnesses and experts, the time for asserting the claim, and the procedure for such claims shall be governed by the relevant provisions of the Code of Civil Procedure.

Art. 39

Costs of the Curator

1) The costs of the curator, whose appointment was made by the district court in accordance with this law, are also subject to the administrative authority's determination.

2) In the case of proceedings initiated solely upon a party's motion, these costs, as well as those of the appointment, shall be borne by the party filing the motion, without prejudice to

its claim for reimbursement of costs against other parties under the provisions contained in this Act.

3) In all other cases, notwithstanding the parties' obligation to reimburse the costs of the proceedings, the costs awarded to the curator shall be reimbursed by the state, which shall also be subsidiarily liable for them in the case referred to in the second paragraph of this article.

Art. 40

Time of Clarification of the Claim for Reimbursement of Costs

1) The parties must clarify their claims for reimbursement of costs before the end of the specific administrative day designated for either the hearing of the parties or the taking of evidence, which was designated by the presiding judge (chairperson) as the final session at the opening of the proceedings.

2) The parties must be informed by the presiding officer (the official presiding over the proceedings) or the chair of the relevant panel of the requirement to submit their cost statements and of the deadline by which such statements must be submitted at the latest; if necessary, they may be granted an extension of no more than three days.

3) Clarification shall be provided by submitting, if necessary, substantiated lists of costs.

4) If partial decisions are rendered in a case, the submission of cost schedules must take place no later than three days after the time after the presiding judge has orally announced the partial decision or declared that a partial decision has been rendered, unless the ruling on costs is reserved by a declaration of the presiding judge in the final decision rendered in the case.

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

6) If the proceedings must be resumed for the purpose of supplementing the record, the preceding provisions shall apply mutatis mutandis to the determination of claims for reimbursement of costs.

7) With regard to orders or decisions issued during the preliminary proceedings, the ruling on costs shall be reserved for the decision on the merits, unless the administrative matter is otherwise resolved.

Art. 41

Award of Costs in Appeal Proceedings

1) Repealed

2) In appeal proceedings, the claim for reimbursement of costs must, on pain of exclusion, be filed either immediately upon filing the appeal if the appellant waives an oral hearing, or before the decision is rendered following the oral hearing.

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

4) If an appeal is withdrawn, the party withdrawing the appeal must pay all costs of the appeal proceedings, unless the withdrawal is made by an authority or the parties have reached a different agreement regarding the obligation to bear the costs.

Art. 42

Supplementary Provisions. - Amount of Cost Reimbursement

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

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

D. Administrative Deferral and Legal Aid

Art. 43

1) The relevant provisions of the Code of Civil Procedure shall apply mutatis mutandis to administrative security (security deposit) and legal aid in administrative proceedings; however, the oath of poverty shall not be required.

2) For expenses incurred by the state through official acts in the interest of a party, such as costs for subpoenas, fees for witnesses and experts, on-site inspection costs, and the like, the head of government or the official handling the administrative matter may demand an advance payment in cash or in revenue stamps, or a security deposit (bond), setting a deadline and warning that, in the event of non-payment, the official act shall be withheld to the detriment of the defaulting party (Art. 46 and 61).

3) The head of government or the presiding official shall decide, upon application or ex officio and at his or her discretion, whether a party is required to provide security or

whether a party should be granted legal aid in whole or in part, and finally, whether a party must pay an advance toward the official costs in cash or in the form of revenue stamps.

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

5) The Administrative Court shall make the final decision regarding administrative deferral and legal aid in proceedings before it.

E. Service of Process and Summons Proceedings

Art. 44

Service of Process. (Personal Notification)

1) Summonses to the administrative hearing (hearing), provisional orders, as well as orders aimed at enforcement, administrative notices, the decision on the main issue, and all administrative acts subject to appeal in general shall be served on the parties or their authorized representatives or joint representatives with proof of service, provided that these persons have not expressly waived such service.

2) All service of documents by the government, the Administrative Court, the presiding judge, or other public officials shall generally be effected by a process server; only in exceptional cases, when it appears to be in the interest of the matter, may summonses be served by officials of the authority or the municipality in writing or orally.

3) Service of process is carried out ex officio in accordance with the Service of Process Act.

4) The order on this basis is issued by the presiding judge or other official (Art. 48, 54) and, in collegial proceedings, generally by the head of the government, or in any case by the government secretary, utilizing the government chancellery and the administrative bodies.

5) If it becomes necessary to appoint a curator for a party for the purpose of effecting service upon them, such appointment must be obtained from the District Court.

Art. 45

Public Notice Procedures

- 1) General orders, such as general summonses to fulfill legal obligations (tax liability, etc.), general requests to parties unknown to the authority to participate in administrative proceedings, etc., shall, instead of the service mentioned in the preceding article, be issued by means of a public notice (summons) if permitted by law or valid regulations, or if it appears absolutely necessary, at the discretion of the presiding official, for the ex officio identification of parties interested in an administrative act.
- 2) In addition to the information required in each specific case, the notice (edict) must generally include:
 - a) the purpose of the administrative acts to be performed or that have been performed, and precise details regarding those acts;
 - b) the date on which they are to be performed or the deadline by which the parties must take action;
 - c) the consequences prescribed by law or applicable regulation in the event of the parties' failure to appear, omission, or other default.
- 3) If a public notice is issued in the form of an administrative notice, the above points must be included therein *mutatis mutandis*.
- 4) The public notice must be published on the authority's website and may also be made public in other appropriate ways, particularly in official gazettes.
- 5) Unless there is imminent danger, the publication procedure may not be used to circumvent service on known persons.
- 6) These provisions do not affect the publication of ordinances.

F. Miscellaneous

Art. 46

- 1) With regard to pleadings, which are generally to be submitted in a single copy; deadlines and administrative sessions (daily hearings); the consequences of failure to comply and reinstatement; the suspension of proceedings (Art. 73 and 74); publicity, which applies only to the parties involved, any submissions by the parties and the presiding judge, courtroom discipline, settlement, minutes, files, and penalties, and Sunday rest, the provisions of the Civil Procedure Code apply *mutatis mutandis*, unless otherwise provided by this Act, other

special laws and valid ordinances, or from the nature of administrative proceedings as unilateral or bilateral proceedings, which are intended in particular to serve the public interest while simultaneously safeguarding subjective rights and certain private interests, provide otherwise.

2) The postponement of a hearing or the extension of a deadline set by the presiding official may be granted upon a unilateral request by a party only if there are no public reasons to the contrary and provided that sufficient and, if necessary, duly certified grounds (illness, official business of a party or its representative, force majeure, death in the immediate family, or grounds of similar importance) justify it. The opposing party, if any, may be heard prior to approval.

3) The case files may be sent to the homes of trustworthy parties or their authorized representatives for inspection and copying during a period specified by the presiding official.

4) The files and other items handed over to the authorities shall be returned to the parties as soon as the purpose for which they were retained by the office no longer applies.

5) They may waive compliance with procedural rules intended exclusively to protect the rights and interests of the parties, unless otherwise provided by the provisions.

6) An incorrect or incomplete designation or description of the actions taken by a party in writing or orally in the administrative proceedings is irrelevant, provided that the request or purpose is clearly recognizable.

7) The government or official may require persons whom it deems suitable to draft a written submission to submit such a submission instead of complying with a request to include a statement in the record. No appeal is admissible against this.

Art. 46a

Suspension of Appeal Deadlines

1) Court recesses suspend the running of an appeal period; the remaining portion of the period begins to run upon the end of the court recess. If the start of a period falls within a court recess, the period begins to run upon the end of the court recess. The duration of court recesses is governed by the provisions of the Code of Civil Procedure.

2) The competent administrative authority may order that, due to the urgency of the matter, the time limit shall not be suspended. Such an order may not be challenged by an appeal.

G. Initiation of Proceedings

Art. 47

1) Proceedings for the issuance of an administrative order or for the issuance of a decision or ruling based on a formal hearing of the parties within the meaning of this Act shall be initiated by the authority or public official, without prejudice to any existing duty of a public official to report or notify, or any duty of a private individual to report, notify, make statements, or admit facts, etc., either *ex officio* (*ex officio* proceedings) or, in cases involving the assertion of rights (claims) and legally recognized interests of a party, upon the party's application (proceedings upon party application), whereby the requirements and effects of the initiation are to be assessed in accordance with the existing special or general provisions.

2) With regard to the form and content of the parties' initial submissions (petitions, complaints, etc.) in written pleadings (submissions, requests, etc.) or of oral statements entered into the record by the government or an official or agency designated to receive them, the special provisions contained in the applicable administrative law regulations, in particular the E-Government Act, and, to the extent that these are silent or inapplicable, the provisions contained in this main section (Art. 46, 60, and 93).

II. Section

The		Administrative Dispute Proceedings
(Decision	or	order
		without

formal hearing)

A. The General Administrative Act

Art. 48

Admissibility

1) An administrative act (decision or order) may be issued by the government, the head of government, or a member of the government designated by the government by ordinance

(Art. 90 and 94 of the Constitution) or by other officials without first conducting a formal party hearing within the meaning of Section III, either upon request or ex officio:

a) If only one party appears before the authority (official) or if several parties acting in unison appear as petitioners, and the petition can be granted in its entirety based solely on the authority's official knowledge of the clear factual and legal situation (Art. 50, para. 3).

b) Furthermore, if the authority believes it has sufficient official knowledge of the factual and legal circumstances relevant to its proceedings, it may, without further proceedings, reject in whole or in part a motion filed by a single party or unanimous motions filed by multiple parties, as well as rule on conflicting motions filed by multiple parties.

c) An administrative order shall be issued in particular when the success of a proceeding would be disproportionate to the expenditure of time, effort, or costs involved.

d) Finally, an administrative order may be issued at the discretion of the government, the head of government, a member of the government, or the official authorized to issue administrative orders; prior to issuance, the official may conduct investigations without involving the parties, and for this purpose, information (testimony, expert opinions) may be requested from third parties in accordance with the provisions of the following section.

2) An administrative order may also be issued upon request or ex officio, regardless of whether existing laws or valid ordinances require the conduct of a formal hearing with the parties; such a hearing shall then take place only upon objection, unless exceptions apply (Art. 49 and 50). However, if the government issues an administrative order, only the review procedure is admissible against it.

3) Prior to the initiation of regular administrative proceedings or during such proceedings, a provisional administrative order may be issued to provisionally resolve an administrative matter, to provisionally maintain an existing factual situation, or to avert an imminent significant detriment, except in cases of public danger (Art. 52), and apart from security proceedings (Art. 120) and subject to final resolution in the ordinary proceedings, a provisional administrative order may be issued (Art. 94(2) of the Constitution).

4) In matters of municipal administration, the competent municipal authorities (local councils) may, within their jurisdiction as defined in the first and third paragraphs, issue administrative orders against which an objection or appeal may be lodged with the government in accordance with the following provisions.

Art. 49

Drafting of the Administrative Order

1) The written copy of the administrative order pursuant to the preceding article shall contain:

- a) the heading: Administrative Order;
- b) the name of the issuing authority or official, as well as the parties and their legal or other representatives or advocates;
- c) the formal ruling on the matter or the final decisions rendered in the matter, including the ruling on costs (Art. 81);
- d) if the decision requires special enforcement, the agreement of the parties on this matter, or, if necessary, a ruling on whether the decision is to be deemed immediately enforceable against the parties, or the setting of a deadline by which the parties must comply with the writ of execution, failing which enforcement will be carried out by compulsion (Art. 113, 116);
- e) the facts of the case, i.e., a statement of the facts known to the authority and forming the basis of the administrative decision, as well as the evidence that brought these facts to the official's attention, and the grounds for the decision (Art. 83);
- f) information regarding the right to file an objection with the government and the deadline for doing so, or regarding the right to appeal (Art. 85);
- g) the signature of the issuing official.

2) In the issuance of a provisional administrative order (Art. 48(3)), the points listed above shall be included *mutatis mutandis*, with the remark that the order is provisional and that the legal notice shall specify the admissibility of an appeal to the government (Art. 50(7)) and, as a rule, the administrative date for the investigative proceedings is precisely determined, unless this order has already been issued for pending proceedings (Art. 73).

3) In the case of Article 48(a), unless the party or parties have waived their right to a copy altogether, the copy of the administrative order or the administrative act otherwise replacing it shall, in place of subparagraphs (c) through

(LVG)

e of the first paragraph of this article, only the request that is granted shall be included, and the legal notice shall contain a statement that only an appeal is admissible.

4) Forms shall be used as far as possible for the issuance of administrative orders.

5) A copy need not be issued if all parties waive it or if the matter concerns a provisional administrative order in a pending administrative case and all parties are present at the time of notification.

Art. 50

Objection. Appeal

1) However, in such cases (Art. 48), subject to the exceptions set forth above and below, if even one party—provided that party did not consent to the issuance of the administrative order—lifts an objection within the appeal period against the issued administrative order (decision or ruling), in whole or in part, on the grounds that the hearing of the parties has been omitted, then the administrative order, whether or not it was issued in favor of parties other than the objector, must be revoked in whole or in part by the authority that issued it to the extent of the objection, or, if necessary, ordinary proceedings must be initiated in accordance with the following sections.

2) Third parties who file an objection on behalf of a party must be authorized to do so.

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

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

5) Any other legal remedy or request for relief (petition, appeal, request for leniency) filed against the administrative order within the appeal period, regardless of how it is designated, shall also be treated as an objection if it

is filed in a timely manner against the waiver of the formal proceedings and its content does not indicate otherwise.

6) If an objection or a motion having the same effect as an objection is not filed against the administrative order within the prescribed time limit, the order becomes final and binding on the parties and may, unless already done so, be enforced upon request or ex officio (Art. 87 and 110 et seq.).

7) Only an appeal to the government is admissible against a provisional administrative order.

8) The issuing authority must, in the administrative orders issued pursuant to the foregoing provisions, draw the parties' attention to the admissibility of the objection and its effects or to the possibility of challenging the order by means of an appeal (Art. 85).

9) If the rights or legally recognized interests of a third party who did not participate in the administrative order proceedings have been prejudiced by an administrative order issued, that party may file a third-party objection or, if necessary, a third-party appeal (Art. 92(1)) in accordance with the preceding paragraphs.

Art. 51

Supplementary Provisions

1) In addition to the provisions of the preceding section, the provisions of Section 3, in particular Articles 81, 83 et seq., provided they do not relate to a formal hearing of the parties; furthermore, the provisions of the Code of Civil Procedure regarding service by process shall apply in a supplementary manner, to the extent that these provisions are compatible with the public interests to be safeguarded, subject to the exceptions set forth in the following paragraphs.

2) Service of the administrative notice on the parties is not required if they have expressly waived it.

3) Reinstatement and reopening of proceedings are permitted.

B. Immediately enforceable administrative orders and provisional administrative orders in matters of public safety

Art. 52

Application

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

a) if a law or a valid ordinance requires the government or an official to issue an immediately enforceable order without prior hearing, as in the case of the dissolution of an assembly, etc.;

b) furthermore, if a provisional order must be issued to avert public dangers to life, limb, health, and property, and the circumstances do not permit the delay associated with a hearing of the parties and formal taking of evidence (Art. 94, para. 2 of the Constitution).

2) However, in the latter case, preliminary proceedings must be initiated and a final determination of the matter (pursuant to Art. 73(3) of this Act) must be made; furthermore, if there is a suspicion that the condition posing a threat to public safety was caused through fault, at the same time, administrative criminal proceedings or criminal court proceedings must be initiated to determine who is at fault. If, to avert a danger to the public, an administrative order pursuant to Art. 48 is issued instead of a provisional administrative order, it must be designated as such, and only the review procedure applies thereafter.

3) Administrative orders (decisions) to avert public dangers shall be issued orally in cases of particular urgency, otherwise in writing to those persons or groups of persons who are administratively or otherwise criminally liable for the continued maintenance of the police-orderly condition of the matter posing a danger or for the police-orderly conduct of the activity posing a danger.

4) The administrative order in matters of public safety shall generally be issued by the head of the local government; in cases of particular urgency, by the village head, the district constable, the local police officer, or other competent officials (fire chief, flood commissioner, fire department commander, etc.) (Art. 132).

5) An administrative notice of this kind must be served on specific, known individuals (Art. 44); if the notice is intended for an indefinite group of persons, the provisions governing the public notice procedure apply.

6) In cases of particular urgency, verbal notification by an official body is sufficient in all cases; if necessary, notification may be effected through conclusive administrative actions, such as simple or immediate use of force (e.g., roadblocks).

7) Against immediately enforceable administrative orders, only the remedies provided for in the administrative enforcement procedure (Art. 114 et seq.) are admissible; and in the case of administrative orders issued for reasons of public safety pursuant to the preceding paragraph, the

rule, apart from the admissible appeal against the use of force (Art. 132), an administrative hearing must be ordered as soon as possible (Art. 52 para. 2).

Art. 53

Issuance

1) An administrative order that is immediately enforceable or that is to be issued in matters of public safety must, when served or made public through a summons procedure, contain the following, except in cases of particular urgency:

- a) the heading: Administrative Order;
- b) the name of the authority, as well as the person or their legal or other representative to whom it is to be addressed pursuant to the third paragraph of the preceding article, or the group of persons to whom it is addressed;
- c) the precisely defined order, which is to be enforced immediately or relates to public safety;
- d) the ruling that the administrative order is to be deemed immediately enforceable against the parties or the group of persons, or that it is merely provisional and a hearing is ordered, as well as any ruling on costs or a note that the imposition of costs is reserved for a later decision;
- e) the statement of facts, i.e., the presentation of the facts known to the authority and forming the basis of the administrative order, and the evidence that provided the authority with knowledge of these facts;
- f) information on the available legal remedies (appeal) and that these must be filed within the appeal period (Art. 52, paras. 2 and 7) or, where applicable, the scheduling of an administrative hearing (Art. 54 et seq., 73, para. 3);
- g) the signature of the official issuing the administrative notice.

2) It may also contain:

- h) the imposition of the coercive measure.
- 3) If the imposition of coercive measures is issued in a special administrative coercive order (Art. 113(2)), however, only an appeal may be filed.
- 4) When administrative orders relating to public safety are issued to an unspecified group of persons, the statement of the facts and the legal notice may be omitted in accordance with the first paragraph.

III. Section

A. The Preliminary Investigation (Preliminary Proceedings)

Art. 54

Purpose. Presiding Judge

1) The purpose of the investigative proceedings with a hearing of the parties (commissionary investigation), which may be initiated upon request or ex officio, is to thoroughly examine the parties involved, identify any points of contention, and clarify the factual and legal circumstances of an administrative matter from all sides, the collection and examination of evidence requested or deemed necessary ex officio by the presiding official (chair of the hearing) for the purpose of rendering a decision or issuing an order, subject to final disposition by the Government Council, unless an exception applies (Art. 63 and 77).

2) The presiding official is, as a rule, the head of government or another member appointed by the government (Art. 94 of the Constitution); however, the government may appoint the government secretary for individual administrative matters or for certain types thereof; in matters of civil engineering and similar administrative matters, the state engineer or surveyor; in matters of financial administration, the state treasurer; and in matters of public health and similar affairs, the public health officer or the state veterinarian.

3) In administrative matters that, in the discretion of the head of government (public official), are of minor importance or limited scope, he may also, under his responsibility, entrust the competent local mayor, municipal council clerk, or a district constable with the investigation—in whole or in part—after consulting the parties involved.

4) Preliminary proceedings shall not be conducted if, at the request of the presiding official, or if the government otherwise deems such proceedings unnecessary in light of the clear facts and legal situation, or if any administrative order issued is confirmed by a government resolution; in such a case, only the review procedure is admissible against the decision or order.

Art. 55

Transparency, Expediency, and Fairness

1) The presiding official, as well as the authority, must not only inform the parties of the subject matter of the proceedings in the summons,

but must also, before the opening and during the preliminary hearing, inform the parties with sufficient clarity as to what is relevant for the decision or order, so that they are enabled to file their motions appropriately and do not waste an unnecessary amount of time.

2) The court shall ensure ex officio that the proceedings are conducted in a manner that is as clear and comprehensive, swift, simple, and cost-effective as possible, without excessive paperwork, and that the rights and interests of the parties under public law are safeguarded, even if this requires setting aside minor formalities (Art. 94 of the Constitution).

3) In urgent cases, or if it can be done without prejudice to the matter and a party does not object on the grounds of failure to issue a summons, written or, if necessary, telephone information may be requested from parties (Art. 57), witnesses, and experts; this shall be noted in the record.

4) All motions and arguments by the parties that are irrelevant to the decision of the case shall be cut short.

Art. 56

Place and Time of the Hearing

1) The hearing, including the taking of evidence, shall generally take place at the seat of the authority (in Vaduz).

2) However, it shall be held at another location within the country if this is expected to result in a significant saving of time and costs or a significant promotion of the desired settlement between the parties or the clarification of the facts.

3) The Government may also, by means of a public notice specifying the municipality and the time, establish regular office days for the Lower Country for all or certain administrative matters.

4) In such a case, the administrative costs incurred shall generally be apportioned proportionally among the administrative matters handled on the office day.

5) With regard to the timing of hearings or the taking of evidence, the wishes of the parties involved shall be taken into account as far as possible, while ensuring that the parties to the proceedings incur as little time and expense as possible.

Art. 57

Conduct and Course of the Preliminary Investigation

1) Depending on the rights and interests to be protected, the preliminary investigation may be initiated and continued upon application or ex officio.

2) If and to the extent that this Act or other legal provisions do not prescribe a specific sequence of successive or interrelated actions by the authority (officials) and parties in the administrative proceedings, the presiding official shall determine the sequence of procedural actions in the individual case.

3) For the oral hearing in the preliminary investigation, the parties known to the presiding officer or, if they lack legal capacity, their legal representatives, and, in the case of a summons procedure, any representatives of authorities to be involved, shall be summoned in a timely manner with a clear description of the subject matter of the hearing, so that they may appear prepared.

4) If the purpose sought by a summons can be achieved by obtaining a written (or telephone) statement, and if the submission of such a statement can be reliably assumed in the case in question, a summons shall be waived if the matter permits the resulting delay, unless the parties expressly request one.

5) Witnesses and experts shall likewise be summoned to the hearing of the parties, with a clear indication of the subject matter of the proceedings, if it is likely that the taking of evidence can be combined with the hearing of the parties and conducted on a single hearing day without prejudice to the clarification of the facts.

6) If it is likely from the outset that the facts of the case cannot be established in a single hearing, the administrative days deemed necessary—with an indication of those designated for the taking of evidence—shall, if possible, be specified in the initial summons.

7) In the latter case, no new summons is required if the hearing dates can be held as specified in the first summons.

8) The presiding judge exercises control over the proceedings (Art. 46).

Art. 58

Obtaining Evidence

- 1) The authority and the presiding official are bound by dispositions—such as, in particular, confessions, acknowledgments, and waivers by parties with legal capacity—in the proceedings upon a party’s motion to the extent that they are permissible within the limits of public law (principle of proceedings).
- 2) To the extent that the investigations necessary to clarify the facts are required by official duty to safeguard interests protected by law and to ensure their satisfaction in a purposeful and lawful manner, they must be conducted ex officio and independently of motions, confessions, acknowledgments, or waivers by the parties (principle of investigation). Likewise, investigations into the rights and interests of individuals arising in this context and into private interests that must be protected or taken into account ex officio pursuant to law must be conducted, unless the official presiding over the proceedings is relieved of this obligation by a deliberate and legally effective disposition (acknowledgments, confessions, waivers) of the entitled or interested party.
- 3) The official presiding over the proceedings must, in accordance with these two principles, ensure that the facts of the case are fully clarified and that the parties submit appropriate motions to that end.
- 4) For the latter purpose, he is obligated to assist parties who are particularly unfamiliar with the law and who are not supported by legal representatives.

Art. 59

Summons of the Parties, Witnesses, and Experts

- 1) The summons to the parties must contain a list of any other parties summoned in addition to the addressee, the subject matter of the proceedings, and, furthermore, a statement that, in the event of a failure to appear, a decision will be rendered based on the record (Art. 12).
- 2) If personal appearance is required under the circumstances of the case, this must be expressly stated in the summons, which must be served in person.
- 3) Any person who is not demonstrably prevented from appearing due to illness, infirmity, or other justifiable impediments must comply with the summons and provide information (Art. 71).
- 4) The summons to witnesses and experts must include a reference to the consequences of non-compliance set forth in this Act (Art. 70).

5) The parties are free to bring witnesses who have not been summoned by the presiding judge.

6) Such witnesses are entitled to witness fees only if their examination proves to be relevant to the progress of the proceedings.

Art. 60

Preliminary Party Statements

1) The parties are free to submit written statements regarding the subject matter of the proceedings even before the hearing date or to supplement those already submitted.

2) The relevant provisions of the Civil Procedure Code regarding pleadings and statements of record, with the deviations set forth below, apply mutatis mutandis to these submissions or to the statements of record made to the government or the presiding judge in their place.

3) In their submissions, the parties may, apart from other motions relating to the subject matter, also request the summons of parties, witnesses, and experts who have not yet been summoned, and include legal arguments. Furthermore, the files and documents mentioned as evidence in the submissions shall be attached to them if possible, or the information necessary for their procurement shall be provided if possible.

4) In administrative proceedings, a submission may generally be filed in a single copy; however, if a submission has been filed in multiple copies, the presiding officer must serve one copy on each of the other parties, if available, prior to the hearing.

5) If the presiding judge deems it necessary for the opposing party to be informed of the parties' statements prior to the hearing, he or she may have a notice sent to the opposing party at the applicant's expense or may require the applicant to provide a sufficient number of copies for this purpose.

6) The parties are entitled to inspect the parties' statements and their attachments prior to the hearing, and in all circumstances, the essential content of such statements and their attachments must be communicated to the opposing party, if any, no later than at the hearing (Art. 46).

Art. 61

Late Arrival at the Hearing

- 1) If a party or a party's representative appears after the hearing has begun, any necessary examination (Art. 34) must be conducted before the late-arriving party is admitted to continue the hearing.
- 2) The party so admitted may join the hearing only at the stage at which it is at the time of their appearance, unless they request the determination of rights and interests that should also have been taken into account ex officio.

Art. 62

Presentation of the Subject Matter of the Proceedings

- 1) Upon completion of the prescribed examination (Art. 34), the presiding officer shall set forth the subject matter of the proceedings and, if it comprises several separable issues, shall do so by carefully distinguishing between them and in accordance with the last paragraph of Art. 60.
- 2) If a hearing is to be conducted over several administrative days, the presiding official shall, at the beginning of each administrative day, clearly present the essential findings of the previous hearings based on the official record, and, after making any necessary corrections to this presentation—whether ex officio or at the request of a party—shall continue the hearing.

Art. 63

Attempt at Settlement

- 1) If several parties with conflicting rights or interests appear before the authority, an informal discussion shall be held prior to the actual investigative hearing to facilitate an agreement among them.
- 2) The presiding official shall exercise the utmost diligence to bring about a settlement within the limits set by public law for the parties' disposition (Art. 58) and shall leave no appropriate and permissible means untried to achieve it.
- 3) Even during the preliminary investigation, the attempt to reach a settlement must be renewed if there is a prospect of an amicable agreement.
- 4) For the purpose of attempting a settlement, the case files may be temporarily transferred to the competent local authority.

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

Art. 64

Hearing of the Parties

1) If the preliminary attempt at settlement fails, the case shall be heard to the extent that this is the case.

2) The parties appearing in court or their representatives shall be heard in the order most conducive to a prompt clarification of the facts, presenting their factual and legal arguments and motions (the authorities' duty to hear the parties).

3) Each party must be given the opportunity to comment on all facts and circumstances relevant to the resolution of the matter at hand—whether presented by other parties, witnesses, or experts, or raised ex officio—as well as on the motions filed by other parties, experts, and witnesses, and to generally safeguard their rights and interests accordingly (Art. 32, para. 4).

4) On the other hand, all motions and discussions that are irrelevant to the case or are clearly intended to cause vexation or delay (obstruction) must be cut short (Art. 42).

5) The limits of the parties' statements shall be determined, for the time being, by the official presiding over the proceedings, subject to strict observance of the principles set forth herein, subject to final determination by the panel or an official designated for that purpose.

6) In this regard, the court shall decide whether motions for evidence or other motions filed by the parties pursuant to Article 60 immediately prior to the hearing date or at an earlier stage of the proceedings should nevertheless be granted on grounds of public interest or because the delay is justified by reasons that would be sufficient to grant a reinstatement of the proceedings, and whether, for this purpose, the hearing should be adjourned for further proceedings and the costs of the hearing should be imposed on the party.

Art. 65

Taking of Evidence in Connection with the Hearing of the Parties and Separate Taking of Evidence

- 1) If possible, the evidence relevant to the resolution of the case shall be taken in the course of the preliminary proceedings at a time suitable for promoting their conclusion and at the place of the hearing.
- 2) However, depending on the circumstances of the case, even prior to the oral hearing—whether at the request of a party or ex officio—the presiding judge or an authority (municipal office) or official designated by him may order the taking of evidence in the interest of securing proof or facilitating a settlement between the parties; in such cases, the parties must be summoned to the hearing.
- 3) Such a summons must also be issued if, in the interest of clarifying the facts of the case, it appears necessary to strictly separate the taking of evidence from the discussion of the matter with the parties and to schedule a separate hearing date for the taking of evidence, or if, after the commencement of the collegial hearing, the taking of evidence is to be conducted by an authority commissioned or requested by the deciding authority (official).

Art. 66

Participation of the Parties in the Taking of Evidence. Public Nature of the Evidence

- 1) In all cases, the parties present must be given the opportunity to participate in the taking of evidence.
- 2) Both the parties themselves and their legal representatives, authorized agents, legal counsel, and technical advisors shall be permitted to ask pertinent questions of the parties, witnesses, and experts being examined.
- 3) All public and private documents on which the determination of the facts is based shall be presented to the parties or their representatives during the taking of evidence so that they may make their statements regarding them.
- 4) This also applies to records of evidence taken by a requested authority outside the hearing.
- 5) The obligation to produce documents (duty to produce documents) or other items by a party, the opposing party, or a third party is excluded, unless specific provisions apply.

Art. 67

Duty to Provide Information in Matters of Public Safety. Presentation of Movable Property; Inspection and Search of Dwellings, Other Premises, and Real Property

1) In proceedings to avert public dangers to life, limb, health, and property, every person, whether a party to the proceedings or not, is obligated to provide the information indispensable for the appropriate implementation of preventive measures and to produce the movable property in their possession, as well as to grant access to all premises and immovable property in their possession, the inspection or search of which is indispensable for the same purpose.

2) Entry onto real property, residential and business premises, business premises, and other premises for the purpose of their inspection or search is, subject to further statutory provisions, permitted only in the case described in the first paragraph of this article; furthermore, it is permitted only to the official presiding over the proceedings or to the local mayor appointed by him, and only in the event that the occurrence of a dangerous event is imminent, also to the security authorities acting on their own authority.

3) The inspection and search of private premises and properties, as well as the search of persons present there, for the purpose of averting public danger within the meaning of the first paragraph of this article, may, under penalty of law (Art. 166), only be carried out in strict and appropriate compliance with the relevant provisions of the Code of Criminal Procedure or other existing regulations (Art. 134).

4) Furthermore, during such proceedings, any disruption of business operations, as well as the investigation of private and business secrets irrelevant to the matter, and the search for and seizure of documents of any kind, are prohibited and punishable.

5) The intended inspection or search of public buildings and properties, with the exception of premises open to the police (Art. 134), must be reported to the highest-ranking official or public body responsible for their administration, or in their absence to their deputy, and must be carried out in the presence of these persons or persons designated by them.

6) Administrative orders or other directives issued pursuant to this article are immediately enforceable, subject to their challenge through the appeals process

and the civil, criminal, and disciplinary liability of the issuing official or the executing bodies (Art. 19).

Art. 68

General Duty to Provide Information, Testify, and Give Expert Opinions

1) Notwithstanding the provisions of the preceding article, a duty to provide information for the parties and a duty to testify (duty to provide information) for third parties exists only to the extent that a general duty to testify is established by the Code of Civil Procedure.

2) Its provisions also govern the scope of the obligation to comply with an appointment as an expert by the authority (official). Art. 69

Examination of Parties, Witnesses, and Experts

1) The examination of parties as persons providing information, as well as that of witnesses and experts, takes place without an oath.

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

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

4) Before being examined, parties, witnesses, and experts must be informed of the questions regarding which they may refuse to provide information, give testimony, or submit an expert opinion. Testimony may also be refused in cases of administrative offenses.

5) The parties shall, as far as possible, be examined before the witnesses; witnesses shall be examined individually, in the absence of those to be examined later; witnesses whose statements contradict one another may be confronted with one another.

Art. 70

Unjustified Failure to Appear by Parties, Witnesses, or Experts

1) A party (Art. 59, para. 2), witness, or expert who has been duly summoned and who, without sufficient cause for excuse—such as illness, infirmity, hindrance due to official duties, force majeure, or other justified impediments—fails to appear on the day set for his or her examination

, shall be ordered by the Government Council or the public official to reimburse all costs incurred as a result of their failure to appear.

2) In addition, the absent party may be subject to compulsory appearance, with the simultaneous imposition of a fine of up to 200 francs, depending on the urgency of the matter; however, as a rule, compulsory appearance may only be ordered after the second unsuccessful summons.

3) In the event of subsequent justification for the failure to appear, the imposed administrative fine and the order to pay costs shall be rescinded.

4) If decisions imposing administrative fines and costs are not rescinded, an appeal may be filed with the Administrative Court.

Art. 71

Unjustified refusal to provide information, testify, or submit an expert opinion. Knowingly false or inaccurate statements

1) Anyone who refuses to provide information, testify, or submit an expert opinion (Art. 68) without a legally recognized reason may be fined up to 500 francs by the government or, if the fine cannot be collected, sentenced to imprisonment for up to ten days; an appeal may be filed against this decision.

2) In addition, a person who unlawfully refuses to comply shall be liable for the costs of the proceedings and the parties incurred as a result of their refusal.

3) Any person who, during the administrative proceedings governed by this Act, knowingly provides false or inaccurate information regarding material facts from memory while being questioned as a party, witness, or expert witness commits, unless such conduct constitutes a serious offense, a misdemeanor punishable by the District Court with a fine of up to 1,000 francs or a term of imprisonment of up to twenty days.

4) These penalties may be imposed either separately or in combination.

Art. 72

Supplementary Rules of Evidence

1) In all other respects, unless the nature of administrative proceedings differs from that of civil litigation, the general provisions of the Code of Civil Procedure regarding evidence and the taking of evidence, the provisions regarding evidence by documents,

witnesses, experts, on-site inspections, the examination of the parties, and the preservation of evidence shall apply by way of supplement.

2) Orders regarding the preservation of evidence shall be issued, unless a presiding judge has been appointed for a pending administrative matter, by the head of government or his deputy (Art. 94 of the Constitution).

3) In urgent cases or where the matter cannot be postponed, the mayor or his deputy shall, either on his own initiative or at the request of the parties involved, order measures to preserve evidence (examination of witnesses, on-site inspections, etc.) and draw up a record thereof.

Art. 73

Inadmissibility of Special Preliminary and Interlocutory Disputes

1) With the exception of challenges to the presiding officer (Art. 11 and 12), all preliminary and interim issues in administrative proceedings—such as the jurisdiction of the authority, challenges to experts, objections regarding the res judicata of the matter or its pending status, the admission of parties, the issuance of provisional orders, etc.—to be heard together with the main case and, as far as possible, to be provisionally decided by the presiding official during the oral hearing (Art. 94 of the Constitution).

2) However, in all cases where it appears advisable for the promotion or expeditious resolution of the matter, or for other reasons, the presiding official may also seek the decision of the Government Council; alternatively, all raised issues may be decided together with the main case.

3) However, if a provisional order is issued by virtue of a statutory provision in the form of an administrative notice (Art. 52 and 53), or if a preliminary order is issued before or during the preliminary investigation (Art. 48), the administrative hearing for the final determination of the matter must be scheduled at the same time as the administrative order is issued and held within a reasonable time, unless, following the issuance of a provisional administrative order, the necessary investigations can be conducted expeditiously in lieu of an administrative hearing. (Art. 54(4), Art. 55(3), Art. 57(4)).

Art. 74

Interruption of proceedings due to preliminary and interim questions

1) Notwithstanding the provision of the preceding article, the Government Council may, at the request of the presiding official or a party, order the suspension of administrative proceedings at its discretion in the case of preliminary or interim issues of a constitutional, administrative, criminal, or private law nature, if the thorough resolution of such a preliminary or interim issue requires special consideration.

2) The suspension shall continue until a final decision has been issued by the administrative authority or the court.

3) If the matter concerns the determination of a private-law relationship or a criminal offense that may be prosecuted only upon the request of a private individual, the government may set a deadline for filing the action; otherwise, the administrative authority may resolve the preliminary or intermediate question on its own initiative within its jurisdiction.

4) If the pendency of a preliminary issue (interim issue) within the meaning of the preceding paragraph is established, the administrative proceedings shall be suspended only to the extent that they are related to these preliminary issues until such issues are finally resolved; in all other respects, the proceedings may continue.

5) An interruption shall be refrained from, or a decision to interrupt that has already been made shall be revoked, if public interests are impaired by the postponement, or if there is imminent danger, or finally, if the preliminary issue (interim issue) has been raised solely to harass or delay the administrative proceedings.

6) Proceedings must be stayed pending a decision by the Federal Constitutional Court (Art. 104, para. 2 of the Constitution) when the issue concerns the constitutionality of laws or the legality of government ordinances that are to be applied.

7) In all cases, the ordering of precautionary measures remains reserved. Art. 75

Recording of the Hearing and Taking of Evidence

1) The official presiding over the proceedings or a government official shall keep a formal record of the proceedings, which shall be drawn up in accordance with the provisions of the Code of Civil Procedure regarding the recording of proceedings and the taking of evidence.

2) However, the official presiding over the preliminary hearing or the taking of evidence shall decide preliminarily on all motions concerning the recording.

3) No record is required for inquiries conducted by correspondence or for the taking of evidence by means of written expert opinions, and for inquiries of minor importance, a simple note in the file suffices (Art. 55(3)).

4) In cases where the official presiding over the proceedings is authorized to announce the decision on the merits orally for the record (Art. 77), the announced judgment or the order issued must generally also be recorded.

Art. 76

Conclusion of the Preliminary Proceedings

1) Once the investigating official, at his discretion, considers the preliminary proceedings concluded and the matter ready for a decision, he shall refer the files to the Government Council for a decision, if necessary accompanied by a clear written report.

2) However, in more significant administrative matters, the presiding official may, prior to this referral, first invite the applicant, then the co-parties and opponents, to review the files once more and to submit any requests for additional information (Art. 46).

3) If, within the time limit set for the parties by the presiding official, one of the parties requests the taking of new evidence or the presentation of new facts, and if such requests do not indicate an intent to delay proceedings, the official may set a reasonable time limit for the other party to respond and may then proceed with the further investigation or refer the decision on the matter to the panel.

Art. 77

Decision or Order by the Head of Government, His Deputy, or the Presiding Officer

1) In less important administrative matters, the presiding official shall, at the conclusion of the investigative proceedings, ask those with a legal or other direct interest in the proceedings whether they agree that the Head of Government, his deputy, or the official himself shall decide or issue an order in place of the Government Council.

2) The relevant statement of consent shall be recorded in the minutes and signed by the parties involved.

3) If the parties consent and, in the opinion of the Head of Government, his Deputy, or the presiding officer, the matter does not constitute an important administrative matter (Art. 90 and 94 of the Constitution), then, instead of initiating the final proceedings, the decision shall be rendered by the official mutually agreed upon, in accordance with the provisions set forth in the following articles regarding the decision, and, if the parties so request, executed.

4) Decisions or orders of this kind may only be challenged in review proceedings.

B. The Final Proceedings

Art. 78

Conduct of the Hearing

1) In the Government Council, all major matters and administrative cases of ordinary administrative proceedings, unless exceptions are provided for, shall be subject to collegial deliberation and decision-making on the basis of the report of the investigating officer (Art. 90 of the Constitution).

2) Specialists shall attend the meeting of the Council as speakers or experts in an advisory capacity, as needed, when matters falling within their field of expertise are to be discussed (Art. 91 of the Constitution).

3) The panel may decide to summon the parties or their representatives and counsel to appear for oral arguments or to attempt a settlement; but it may also, if necessary, either ex officio or upon a party's motion, take up new facts or new motions for evidence—either itself or through a member of the government or another official body—or, furthermore, have the findings already taken up re-examined, or finally conduct the investigations itself, in which case the provisions governing the preliminary investigation shall apply mutatis mutandis.

4) In general, it may revoke, amend, supplement, or confirm all orders and decisions made by the presiding official during the preliminary proceedings.

Art. 79

Assessment of Evidence

1) Unless otherwise provided by law, the court shall decide the subject matter of the proceedings based on its own independent judgment, formed from the entirety of the proceedings and the evidence presented.

2) Facts presented by a party may be deemed admitted if they have not been contested by any of the parties either in the statements submitted pursuant to Art. 60 or on the day of the administrative hearing itself.

3) After carefully weighing all circumstances, the authority must also determine what impact it has on the determination of the facts if a party admits to the facts, makes an acknowledgment, waives a right, or refuses to undergo formal questioning as a witness (Art. 71), or if a person fails to comply with an order to produce a document relevant to the taking of evidence, the possession of which they have admitted, or refuses to make a statement regarding whether they possess such a document, or if their statement indicates that the document was intentionally destroyed or rendered unusable.

4) Article 72(1) applies *mutatis mutandis*.

Art. 80

Principles Governing the Decision

1) (Notification). Upon conclusion of the collegial hearing with the parties and the taking of evidence, the decision shall either be announced orally to the parties for the record or issued in writing. However, if the panel deems a hearing of the parties unnecessary and no such hearing takes place, or if the decision is announced orally in the presence of the parties, a formal copy of the decision must be served on the parties subsequently.

2) (Partial decision). If the subject matter of the proceedings permits a division into several points, a decision may be rendered immediately on each point as soon as it is ready for decision, before the decision on the remaining points is addressed.

3) (Completeness). The decision must rule on all motions pertaining to the main issue, unless a partial decision has already been rendered on some of them or it appears appropriate to reserve individual motions for a decision to be rendered at a later date.

Art. 81

Limitations on the Decision

1) In the final proceedings, the government may not base its decision on facts and evidence of which the parties have not been informed

(LVG)

and have not been given the opportunity to comment, whether in the preliminary proceedings or in the final proceedings (Art. 64 and 66), unless they are advisory statements by rapporteurs or experts within the meaning of Art. 91 of the Constitution.

2) The decision must not go beyond the subject matter of the proceedings, and no party may be granted more or something other than what it has claimed in the proceedings.

3) In deciding the main issue on the basis of these proceedings, as well as in all other decisions or orders, the authority must comply with the provisions of the Constitution, the laws, and valid regulations (Art. 92 of the Constitution).

4) Even in those administrative matters in which the law grants the authority discretionary power (administrative discretion), the limits set thereon must be strictly observed; accordingly, the individual's freedom or property may be interfered with only on the basis of statutory authorization, and such discretionary power must neither be exceeded nor abused (Art. 92 of the Constitution).

5) The limits imposed on administrative authorities by public law may not be circumvented when performing an administrative act through private-law assurances on the part of a party, nor may benefits not grounded in public law be imposed on the parties in this manner.

Art. 82

Written Copy

1) The written copy of the decision must contain:

a) the heading: Decision;

b) the names of the members of the government and of the official who conducted the preliminary investigation; and, if the hearing was held on different administrative days and presided over by different officials, the names of those officials, specifying the session they presided over;

the names of the parties to the proceedings, including first and last names, occupation, and place of residence, as well as the names of the parties' legal representatives, their authorized agents, technical experts, or other advocates present at the hearing;

as well as any representatives of authorities or consulting experts or specialist advisors who may have been called upon;

- c) the formal ruling on the merits of the case or the final dispositions made in the matter, including the ruling on costs;
 - d) if the decision requires special enforcement, a ruling on whether the decision is to be deemed immediately enforceable against the parties, regardless of whether an appeal is filed or not, or the setting of a deadline within which the parties must comply with the judgment or final orders, failing which enforcement will be carried out by compulsion;
 - e) the facts on which the judgment or final orders are based and the grounds for the decision;
 - f) information regarding the available legal remedies (appeal), the time limit for filing such an appeal, and the fact that it must be filed with the government;
 - g) the signature of the Head of Government or his representative (Art. 88 and 89 of the Constitution).
- 2) A copy need not be provided if the parties waive it.
- 3) Forms may be used for the issuance of decisions. Art. 83

Further provisions regarding the content of decisions

- 1) The elements listed in the preceding article must be clearly separated from one another.
- 2) In the statement of facts, the results of the preliminary investigation and any oral main hearing must be summarized as briefly, clearly, and concisely as possible.
- 3) The requirement to provide a statement of reasons for the decision is satisfied only if the legal principles applied by the authority in the case at hand are cited therein and if the statement of reasons demonstrates an intent to justify the decision in a convincing manner.
- 4) In particular, the grounds for the decision must indicate the considerations that guided the authority in its assessment of the evidence.
- 5) Unless otherwise provided by law or unless the nature of an administrative act dictates otherwise, the facts as they existed at the time of the decision's issuance form the basis for the decision.

Art. 84

Correction and Supplementation of the Decision

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

2) However, an appeal against the correction is admissible within the same time limit as for the decision itself.

3) The decision takes effect against the parties only upon service of its formal copy; the correction takes effect upon service of the corrected copy on the parties.

4) (Supplement.) If a claim raised by a party in the main proceedings or the issue of costs has remained unresolved, the outstanding matter shall be added to the record on the basis of an oral hearing to be scheduled solely for this purpose, if such supplementation appears necessary ex officio or, if this is not done, the party thereby disadvantaged files a motion for such a supplementary hearing with the court within the time limit granted to it for challenging the decision.

Art. 85

Information on Appeals

1) Every administrative authority must expressly state in its decisions or orders whether they are subject to further appeal and, if so, indicate, in addition to the time limit for appeal, that the appeal (complaint) must be filed with the government.

2) The notice must state that appeals may be filed orally for the record of the government or by submitting a written petition.

3) If an incorrect appeal period is specified in the decision and this period is longer than the fourteen-day period, the right to appeal is preserved for the duration of this longer period. If a shorter period is specified, the statutory period applies, and if the notice of appeal is missing entirely, the appeal period does not run.

4) If the notice incorrectly designates an authority other than the government to receive the appeal, the appeal period is still deemed to have been observed even if the appeal was submitted to the incorrect authority.

5) The latter authority must forward the appeal ex officio to the government.

Art. 86

Classification of Administrative Decisions

- 1) Administrative authorities and officials must draft all official communications (decrees, rulings, decisions, and correspondence of any kind) addressed to other authorities or parties in a clear and unambiguous manner, so that there is no doubt as to whether they concern
 - a) official claims by the administration, instructions, advice, warnings, expressions of opinion or intent, or other statements, etc., which in themselves do not yet constitute a violation of personal rights or legally protected interests, or
 - b) whether they constitute a total or partial refusal of certification, etc. (declarations of refusal), or whether they are administrative orders (administrative notices) or decisions that can only be challenged through legal remedies (Art. 85).
- 2) An administrative act by a public authority within the meaning of this section is, unless otherwise provided by the individual provisions of this Act (Art. 27 et seq. and Art. 29(2)) or other statutory provisions, primarily:
 - a) an order aimed at a specific external result, which in particular, as a command (instruction or prohibition), seeks to elicit a specific conduct from third parties, or which functions as a constitutive order when, by virtue of the legal authority of the competent authority (official), it establishes new public rights (duties) or legal relationships, or modifies or revokes existing ones, with effect from the time of its issuance;
 - b) a decision (administrative decision, declaratory decision), where, by an authoritative pronouncement in a specific case, rights, legal relationships, or legally recognized interests are or are to be determined by way of a judgment (Art. 87(3), Art. 29(2)).
- 3) Depending on its content, an administrative notice is to be regarded as either an order or a decision.
- 4) Furthermore, in accordance with the provisions of this Act, existing administrative law regulations, or, ultimately, general principles of administrative law and established legal doctrine, it must be determined, in accordance with the rule of law, whether a decision or order as described in the preceding paragraphs or any other administrative act exists, and what legal effects are attached to their rulings or to the legal issues decided in the reasoning of an order

(legally binding resolution of a dispute in the case of decisions; revocability or rescindability ex officio in the case of orders) (Art. 29, paras. 2 and 87).

5) In which cases formal decisions or orders (administrative orders) are to be issued—whether to determine or establish legal relationships, rights, or legally protected or relevant interests, or to justify an order (administrative order), is to be determined from the individual administrative laws or valid ordinances, from the nature of the matter, and in particular also from the procedural principles regarding the parties contained in this Act (Art. 29).

Art. 87

Binding Nature, Irrevocability, and Indisputability of Administrative Orders and Decisions

1) To what extent orders or decisions that have been issued—apart from their nullity and their illegality, which can be asserted only through an appeal—must be recognized as binding with respect to the fact of their existence (de jure effect), both to the parties involved and to other state authorities (courts), must be assessed in each individual case on the basis of existing laws or valid ordinances or in accordance with general legal principles (Art. 104(2)).

2) The rulings of those orders or decisions are final and formally binding on the parties if they can no longer be challenged in the same proceedings by means of an ordinary legal remedy (appeal); and decisions are formally final vis-à-vis the authority in matters of public law involving parties or in rights or legal relationships otherwise governed by non-mandatory legal provisions, i.e., where the public interest is not at issue.

3) In public law cases involving parties or in rights or legal relationships otherwise governed by non-mandatory legal provisions, a decision also acquires substantive legal force (declaratory effect), and at most, an objection based on the fact that the matter has been decided with legal force may be raised.

4) The question of whether and to what extent, in cases of doubt, the rulings of final orders or decisions possess formal and substantive legal force, or whether these characteristics are attributed to them in the public interest (e.g.,

public welfare) or for other legally permissible reasons (e.g., forfeiture clause, reservation of revocation), the Administrative Court of Final Appeal shall decide ex officio or upon application.

Art. 88

Supplementary Provisions

1) Unless otherwise provided in the preceding articles or unless such a deviation arises from the nature of the administrative procedure, the provisions of the Code of Civil Procedure regarding judgments shall apply mutatis mutandis.

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

IV. Section

The

Review Procedure

(Appeals) Art. 88a

Reference

The provisions of the first and second sections of this main part apply mutatis mutandis to the review proceedings, unless otherwise provided in this and the following provisions.

A. The Remonstrations

Art. 89

1) By filing a petition (request for reconsideration, protest), a person affected by an administrative act, order, or decision may, either independently or in conjunction with an appeal or objection, apply to the authority that issued the administrative act (official) with a request to amend or revoke the administrative act it issued, on the grounds that it is erroneous or unlawful, or because there are circumstances and considerations which, in the applicant's view, have not been taken into account at all or have not been sufficiently considered (Art. 106(5)).

2) The petition is also admissible in all cases where, under existing regulations, an appeal cannot be filed or can no longer be filed.

3) If the appeal is filed within the appeal or objection period and the government or the public official (Art. 48, 53, and 77) is not

~~(LVG)~~

is unable to comply with the party's request, the submission shall be treated as an appeal or objection, unless the party has expressly waived the latter.

4) Conversely, the lower authority (government or official) may treat an appeal as a petition in the sense that it grants the request for a re-examination of the case on grounds of public law or public interest by amending or revoking the earlier administrative order or decision (dismissal of the claim).

5) In addition to objections and appeals (supervisory appeals), representations may include requests for leniency appealing to the goodwill of the higher authority, or requests for a stay of execution or similar (Art. 115 and 116).

6) If, as a result of a submission or an appeal, the government or an official issues a new decision or order in the matter, the appeal period shall be calculated from the date of service of the new decision. If, however, a negative decision is issued, the period shall run from the date of the original order or decision.

7) Before ruling on an objection, the lower court may notify the parties involved in the matter other than the petitioner, stating that they are free to inspect the statement or petition along with its attachments, make copies, and, within a specified, reasonable period, either file a counter-objection on the record or submit it in writing (Art. 46).

8) On the basis of an objection, the government (administrative agency) may amend or revoke an administrative order, a ruling, or a decision only to the extent that third parties have not already acquired a right; unless the revocation or amendment is in the public interest, or the third parties consent thereto.

9) If the issuing authority (official) has decided or issued a ruling at its discretion, it may revoke or amend a decision or ruling that violates the public interest ex officio and without hearing the party, unless rights, private interests that must be taken into account by law, or legal provisions require the participation of the parties.

10) In all other respects, the provisions governing appeals shall apply mutatis mutandis to objections and counter-objections.

B. Administrative Appeal (Rekurs)

Art. 90

Admissibility. Grounds and Petition

- 1) An administrative complaint may be filed with the Administrative Court against all final administrative acts (administrative decisions) issued by the government, its head, special commissions appointed in lieu of the government, or other public officials, as well as against all other challengeable administrative acts (administrative decisions) and decisions under the second or third main sections, unless other specific remedies are provided for.
- 2) Where existing administrative regulations refer to legal remedies, challenges, appeals to a higher authority, etc., or to appeals, recourse, etc., without further specification and nothing to the contrary arises from the obvious meaning of the provisions or from the nature of the matter, this shall be understood to mean the administrative complaint, regardless of whether the contestable administrative act was issued in accordance with the procedures regulated in this Act or not, or whether it is based on another procedure.
- 3) A complaint may be accompanied by representations, requests for leniency, or reports seeking the annulment of administrative acts that are objectively unlawful or detrimental to the public interest, and the like (Art. 89).
- 4) An appeal is admissible in particular even if the lower court has rendered a decision in a matter outside its jurisdiction. In such a case, the higher court may not dismiss the appeal filed against it as inadmissible on the grounds of lack of subject-matter jurisdiction.
- 5) With the exception of specifically listed cases, no separate appeal may be filed against any orders or decisions of a procedural nature issued by lower-level authorities (officials); any challenge to such orders or decisions must be combined with the appeal regarding the merits of the case.
- 6) An administrative appeal (appeal on points of law and interests) may be directed against unlawful conduct or disposition in the administrative matter, or against the fact that the lower authority, through its conduct or disposition, has directly infringed upon or disadvantaged the appellant in his legally recognized interests or those to be protected by the authority, or, finally, against the fact that the complainant's interests have been treated in a manner that is directly inappropriate or unreasonable. (Grounds for appeal).

6a) If the appellate authority is competent to decide on an order or decision of a lower administrative authority, but the latter administrative authority has not rendered a decision within three months of the party's application, the parties may, upon the expiration of this period, consider the application to have been dismissed and may file an appeal on that basis.

7) The ground for appeal of lack of jurisdiction does not apply if the government or its head has issued any challengeable administrative act in place of a state official otherwise declared competent under this Act.

8) The appeal may seek the modification or revocation (correction) of the contested decision.

9) An incorrect designation of the appeal, the grounds, or the request is irrelevant as long as the relief sought is clearly identifiable (Art. 46(6)); however, in such a case, the authority may impose on the negligent party the additional costs of the proceedings resulting therefrom.

Art. 91

Time Limit for Appeal

1) The time limit for filing an appeal is fourteen days; it may not be extended, except in the case of incorrect information regarding the right of appeal (Art. 85).

2) It begins for each party upon service of the written copy of the decision or order; however, if all parties are present or have waived service, it begins upon the pronouncement.

3) If the appeal is filed by telegram within the appeal period, the statement of appeal must be submitted within the next three days for the deadline to be considered met.

Art. 92

Persons Entitled to Appeal

1) Subject to special provisions, any person who considers themselves directly aggrieved (harmed or disadvantaged) in their rights or in interests that are legally recognized or protected by the administrative authority is entitled to appeal, whether or not they were a party to the proceedings at first instance (Art. 31 and 32).

2) A local government body is entitled to appeal, except in cases where it is a party to the proceedings, if its right to self-government has been violated or infringed upon by the government, the head of government, or another authority or official of the state with decision-making or administrative powers (Art. 136).

3) The Head of Government (the representative of public law) is entitled and obligated to file an appeal (official appeal) for reasons of public interest if the decision (order) cannot be amended or revoked in any other way; if he wishes to do so, this must generally be announced upon the pronouncement and in the issuance of the decision, stating the reasons. The public interest (common good) is to be regarded as particularly relevant when a principle of special importance to the administration or issues concerning the organization of the authorities or their jurisdiction (Art. 90, para. 7) are at stake.

Art. 93

Filing of an appeal. Content

1) The complaint may be filed by submitting a written statement to the government or by making a corresponding statement for the record (Art. 46, para. 7); in the latter case, the official recording the complaint orally must instruct the complainant to specify the grounds for the complaint, to submit a specific request, and to state the facts and evidence to be presented in support of those grounds, and must inform the complainant of the legal consequences of failing to provide this information (Art. 90).

2) The complaint, whether submitted in writing (Art. 46, 47) or recorded orally in the minutes, shall contain:

- a) the designation of the contested decision, order, or administrative act;
- b) a statement as to whether the administrative act is being challenged in its entirety or only in part, and in the latter case, a precise description of the contested part;
- c) a statement of the grounds for the appeal and the requests;
- d) the factual allegations and the evidence intended to support and prove the grounds for the appeal;
- e) the signature of the appellant.

3) The administrative complaint may also include legal arguments and statements regarding the likelihood and credibility of individual factual claims or the presumed probative value of the evidence submitted.

4) The complaint shall generally be submitted in a single copy; however, both the Head of Government immediately and the President of the Administrative Court may, in more important administrative matters, subsequently require that a copy be provided to each party and counterparty or that a transcript of the record be prepared.

Art. 94

Counter-Statement by the Respondent

1) All other parties, if any, must be notified of the filing of the appeal by a party, with the proviso that they are free to inspect the statement or submission, together with its attachments, at the place of service and to take copies thereof, and to submit their counter-statement or response to the appeal to the Government within a period of fourteen days.

2) The Head of Government may also, at his discretion, have the complaint and its attachments served on the co- and opposing parties with a request for a counter-statement and, if necessary, extend the response period appropriately.

3) If the appellant has submitted a copy of the complaint or the respondent has submitted a response in sufficient numbers for each opposing party, such a copy shall be served ex officio on each party other than the submitter. For this purpose, sufficient copies may also be requested or transcripts of the minutes may be made (Art. 92).

4) Within the non-extendable period of fourteen days from notification of the filing of the appeal, any opposing party or co-party may join the proceedings with new claims, factual, and legal arguments (joinder appeal).

Art. 95

Referral to the Administrative Court. Preliminary review

1) Upon receipt of the complaint and any counter-statements, the files, together with an inventory, shall be referred by the Head of Government to the President of the Administrative Court without an accompanying report.

2) The President or a member designated by him shall conduct a preliminary review of the case, submit a report and a proposal to the panel, and issue any preliminary orders deemed necessary in his discretion for the hearing and decision.

Art. 96

Dismissal of the Appeal on Procedural Grounds

1) The decision on the admissibility of the appeal and its late filing rests with the Administrative Court (Art. 90).

2) If the appeal suffers from defects that appear capable of being remedied quickly without the need for a hearing before the panel (e.g., an unclear statement of appeal, lack of power of attorney for the representative), the President or the judge of the Administrative Court entrusted with the preliminary review may, on his own initiative and with the involvement of the parties, take the necessary steps—such as ordering a hearing to be recorded by the lower court or by himself, requesting reports, or requiring the appealing party to remedy the defects within a short, non-extendable deadline.

3) If the challenging party refuses to remedy the deficiencies and no cross-appeal has been filed, or if the deadline for appeal has been missed, or if the appeal is inadmissible for other procedural reasons (Art. 90(5)), it shall be dismissed if the challenging party is opposed by other parties to the proceedings with conflicting interests.

4) The appeal must also be dismissed against a party who has legally and effectively waived the appeal or declared its withdrawal with a settlement of the costs (Art. 41).

5) On any of the formal grounds listed in paragraphs 1, 3, and 4, the President may, within the scope of his authority, dismiss or reject the complaint. The Board shall decide on any appeal filed against such a decision by the President (Art. 89).

6) However, the dismissal does not affect the Administrative Court's authority to treat the complaint as a report and, as the supervisory authority for public interests to be safeguarded ex officio, to take measures through such decisions as are suggested by the content of the dismissed complaint, which has been found to be credible (Art. 106).

Art. 97

Order to Supplement the Proceedings

- 1) If the facts of the case require supplementation in essential respects, the matter shall be remanded to the lower court for the purpose of supplementation or the taking of evidence requested by the parties, with the participation of the parties.
- 2) However, the Administrative Court may also have the necessary supplementation and taking of evidence carried out by the President or another member designated for that purpose, or may conduct it itself on the day of the administrative hearing.
- 3) The decision based on the supplemented facts of the case remains, however, the prerogative of the Administrative Court (Art. 100(7)).

Art. 98

Annulment of the contested decision due to substantial procedural defects and due to the facts of the case being inconsistent with the record

- 1) If the proceedings suffer from a material defect, the contested decision shall be set aside on that ground, with a precise description of the defects committed, and the case shall be remanded to the government or other administrative authority for the correction of such defects and for a new decision, if necessary (Art. 106).
- 2) This provision also applies if the decision is based, on a material point, on an assertion by the government (official) that is contrary to the record.

Art. 99

New Facts and Evidence

- 1) Notwithstanding any conflicting statutory provisions, the submission of new facts and evidence in the appeal proceedings is permitted without restriction until the time of the decision and must be taken into account, provided it is not submitted for the purpose of delaying the proceedings.
- 2) New facts and evidence presented in the appeal proceedings may be considered in cases where the appellant is opposed by other parties with conflicting interests only if they serve to support the grounds for the appeal or if they require ex officio intervention.
- 3) In both cases, the President of the Administrative Court or a member designated by him must conduct the taking of facts and evidence with the participation of the parties, or else delegate this task to the government

(official); depending on the circumstances of the case, the conduct of the oral appeal hearing may also be left to the parties.

4) If the Administrative Court wishes to base its decision on a substantially new fact not previously discussed with the parties, it may do so only after hearing them (Art. 64), whereby it may alter the decisive facts of an administrative decision only with the consent of the parties, and may alter the same in the case of a constitutive decision even without their consent.

5) In all cases (paras. 2 and 3), the decision remains at the discretion of the Administrative Court.

Art. 100

Suspensive Effect and Jurisdiction of the Administrative Court

1) With regard to the suspensive effect of the appeal filed, Articles 88 and 116 apply mutatis mutandis.

2) The Administrative Court has the jurisdiction and duty of a full court (unrestricted review) with respect to the matter referred to it by the filing of the appeal, unless the rights or legally recognized interests of the parties are specifically at issue.

3) Accordingly, the Administrative Court may, on its own initiative, order an oral hearing with the parties' statements and arguments, take evidence, and, in general, conduct the entire proceedings anew.

4) However, even if the Administrative Court does not deem an oral hearing of the parties necessary, or if the parties have not expressly requested one, it may, on its own initiative and based on the record, review the contested decision for appropriateness and fairness in all respects relevant to its validity, and in particular with regard to the limits on the decision (Art. 81) (Art. 102(2)).

5) In doing so, the Administrative Court is neither bound by the grounds asserted by the parties for this purpose, nor, in the event of the decision's annulment (Art. 98 and 99), dependent on a prior complaint by the parties aimed at such annulment.

6) If the lower court has declared itself incompetent in a matter, the Administrative Court, if it considers jurisdiction to exist, shall not decide the matter itself but, unless there is a request to the contrary in the complaint, shall instruct the lower court to decide on the merits of the case.

7) If the government (official) is exclusively competent to issue the administrative act in question under the existing regulations, or is otherwise competent in this manner pursuant to the provisions of the law, the Administrative Court may only set aside the contested decision and direct the government to issue a new order or decision.

Art. 101

Content of the Decision

1) Subject to the exceptions set forth in this section, the provisions established for the government's decisions shall apply mutatis mutandis to the decisions of the Administrative Court.

2) In particular, the decision must contain a clear statement as to whether the contested decision is upheld, set aside, or amended.

3) If the decision is set aside or amended only in part, the points that have been set aside or amended must be specified in detail.

4) A specific statement of the facts and the grounds for the decision may be omitted only if and to the extent that there is agreement on these points between the Administrative Court and the lower court, which must be expressly stated in the decision.

5) The decision of the Administrative Court must contain a clear indication that it is final.

6) If the lower court orders the service of the Administrative Court's decision to the parties and, at the same time, issues a further order or decision regarding its enforcement or independently of the higher court's decision, the latter must be clearly separated from the notification of the higher court's decision (Art. 113).

Art. 102

Revocation or Modification to the Advantage or Disadvantage of the Challenging Party

1) To comply with mandatory legal provisions, the Administrative Court must, even without a corresponding

request to that effect, to the appellant's advantage.

2) In its capacity as a supervisory authority, the Administrative Court may set aside or amend decisions or orders of the government or other public officials challenged before it, even to the detriment of the challenging party, on the grounds of a significant violation of public interests established by such decisions or orders, which must be safeguarded *ex officio* by law.

3) It is both entitled and obligated to review the legality of the proceedings conducted and on which the decision is based, and, in the event of a violation of mandatory statutory provisions—particularly regarding jurisdiction—to insist on compliance with such provisions *ex officio* (Art. 106).

4) Except where otherwise provided by law, the annulment or modification of a decision to the detriment of the complainant and to the benefit of the mere rights or private interests of third parties is not permissible, insofar as the latter have not also challenged the decision.

Art. 103

Supplementary Provisions

The provisions governing proceedings before the court of first instance (Sections 1 and 3) and, subsequently, the provisions of the Civil Procedure Code regarding appeals shall apply *mutatis mutandis* to the appeal proceedings, insofar as the latter do not appear inapplicable given the nature of administrative proceedings.

Art. 103a

Where the government or a special commission appointed in its stead acts as the higher authority, the provisions governing the appeal procedure shall apply *mutatis mutandis* to appeals against acts of the lower authority, unless other laws provide otherwise.

C. Restoration (Reinstatement and Reopening)

1. Upon application by a party

Art. 104

1) With regard to motions by the parties for reinstatement (correction) due to failure to perform a procedural act (Art. 46) or for reopening (due to a procedural defect or new law) of a proceeding concluded by a decision or order (administrative ruling) concerning the specific rights or interests of the parties,

(LVG)

to be decided by applying *mutatis mutandis* the relevant provisions of the Code of Civil Procedure concerning the grounds for granting relief and the conduct of the new proceedings, unless the special provisions or the nature of the summons procedure for reinstatement provide for a deviation.

2) Reinstatement shall also be granted if a party other than the applicant and his or her legal predecessor, when questioned as a witness, has made a false statement on a material point and the decision is based on that statement (Art. 106), or if, regarding a preliminary or intermediate issue that does not fall within the jurisdiction of the authority deciding the main issue in the administrative matter, a substantially divergent decision is issued by another authority otherwise competent for the preliminary or intermediate issue (Art. 105(7)).

3) Third parties who did not appear as parties in the proceedings preceding the decision or order, or who were not summoned to appear, may, within a period of four weeks, from the time they demonstrably became aware of the existence of the decision (order) by any means or it was publicly announced, file a motion for reconsideration, provided that the condition set forth in paragraph 4 of this article is not met.

4) A motion for reinstatement must be denied if concrete steps have already been taken to enforce a decision that is being challenged by the petitioner, and six months have elapsed since those steps were initiated.

5) However, a hearing of the parties shall not take place if only one party is involved in the proceedings on the merits and the authority competent to grant the permission can, based on the circumstances of the case, grant the permission without a hearing of the parties.

6) Furthermore, a hearing must be held regarding the government's (official's) motions referred to in the first paragraph, even if the Administrative Court is competent to grant the authorization; in this case, the Administrative Court must direct the lower court to conduct the hearing.

7) Whether and to what extent an application for reinstatement or reopening has the effect of suspending the enforcement of the decision or order,

shall be determined, upon application, by the authority granting the reinstatement or reopening, by analogy with Articles 115 and 116

2. Ex officio reopening: Art. 105

1) Ex officio, the reopening of concluded proceedings shall be ordered at any time, provided that finality does not preclude it or laws do not provide for an exception, at any time if it is highly probable that a final decision or order is based on an incorrect assessment of the evidence or on the authority's ignorance of facts and evidence, and that this has resulted in a significant violation of public interests that must be safeguarded ex officio by law (Art. 106).

2) If this assumption concerns a decision of the Administrative Court, the Head of Government must issue the provisional order required by the circumstances (Art. 48, para. 3), such as a stay of execution, and must immediately notify the Administrative Court thereof, which must issue further orders to the Head of Government with the utmost possible speed.

3) The formal decision on the ex officio reopening of proceedings must in all cases be made by the court whose decision is called into question by the reopening.

4) If the Administrative Court is concerned, it may, subject to the decision on reopening the case, instruct the government or the official who otherwise acted as the court of first instance to conduct a hearing of the parties without delay.

5) The new decision on the merits may be rendered only by the first-instance authority, or, if applicable, by a municipal authority if it was the first to decide or issue an order, while observing the chain of instances.

6) If, in particular, a decision or order has been set aside by the Administrative Court, it may not subsequently be reinstated by revoking the decision on the appeal through a new decision in the public interest; rather, the Administrative Court may only instruct the lower authority to issue a new decision.

7) A case may not be reopened (or a decision revoked) solely because of a change in the legal opinion of an authority (official); however, it may be reopened due to a subsequent change in the relevant facts, provided that the substantive *res judicata* of an administrative decision does not preclude it and provided that the change is likely to result in a decision or order different from the one already issued.

D. Annulment (Cassation)

Art. 106

1) The Administrative Court, as the supervisory authority, may, upon notification by a party, on the basis of a supervisory complaint, or upon official knowledge, issue an order or decision as to whether a decision is capable of producing legal effects (voidability) or not (nullity), *ex officio* at any time in reopening proceedings (Art. 105) or, where applicable, upon a party's motion (notification) in appeal proceedings (Art. 90, 96, 98, 100, and 102):

a) for the purpose of remedying a significant violation of public rights or interests which, pursuant to the legal provisions mandatorily governing administrative proceedings or otherwise under the Constitution, laws, or valid ordinances, must be observed without exception;

or to safeguard the rights and interests of a party that must be taken into account under mandatory public law;

b) due to lack of subject-matter or territorial jurisdiction on the part of the authority (official) that issued the decision or order; unless an exception under Art. 90(7) applies;

c) if the order or decision mandates something that is factually or legally impossible, i.e., in particular, if it violates a mandatory or prohibitive law; if the prerequisites for issuing the administrative act were entirely lacking, or if discretionary authority was grossly exceeded or abused; or finally

d) if the administrative act was obtained by means of false information.

2) Due to a significant violation of the rights or interests of a party, the annulment of a decision, order, or administrative act may only occur if public law requires their consideration and they were not considered at all in the present case. In this case, however, annulment may be granted solely in the interest of a party only if the legal position of bona fide third parties other than the party in need of assistance is not infringed and the finality of the administrative decision does not preclude it.

3) Subject to dismissal (Art. 107), the Administrative Court may, depending on the circumstances of the case:

a) to annul the administrative act in whole or in part with effect from the date of the declaration of nullity, or to rescind it retroactively to the date of its issuance, provided that partial annulment is possible; in the latter case, the court must specify the annulled parts in detail;

b) after revocation (annulment), if necessary, to instruct the lower court to conduct a new hearing and render a new decision based on new findings.

4) If the lower court is instructed to render a new decision based on the original facts, it is bound by the legal opinion of the Administrative Court.

5) If the government receives a complaint or petition regarding the nullity of a decision or order issued by it or by another public official, or if it officially identifies a ground for nullity, it shall, taking into account the foregoing provisions and those regarding petitions, revoke the administrative act or, depending on the circumstances of the case, issue another in its place.

6) The parties must be heard before a new decision is issued and must be notified of both this decision and the revocation.

7) The parties may file an appeal against the decisions rendered by the lower court.

E. Suspension

Art. 107

1) In summary administrative proceedings (administrative enforcement proceedings), the Administrative Court, as the supervisory authority over the government and its members, and the government, as the supervisory authority through its head, over local authorities (Art. 136) and over civil servants (public officials) otherwise subordinate to it, may, on the basis of a supervisory complaint (Art. 23), in response to any other complaint or a report by a party or the head of government (Art. 90 of the Constitution), or finally on the basis of official knowledge, issue a preliminary injunction by means of a suspension order:

a) to issue a formally finalized administrative decision to the parties or

b) to execute or cause to be executed a decision already served on the parties by those administrative bodies (Art. 115).

2) Such a dismissal may be ordered only to prevent unlawful or improper infringements of public rights or interests, or to protect the personal rights or interests of a party that are favored by public law or must be taken into account ex officio; in the latter case, it may be ordered only if the unrecognized rights of third parties are infringed or endangered (Art. 106 and 116).

3) The supervisory authority shall, on the basis of existing laws or this Act, order simultaneously with the order of dismissal or subsequently what is to be done with the dismissed order or decision or what is to take its place.

4) An appeal may be filed against these orders, unless they originate from the Administrative Court.

F. Explanation

Art. 108

1) If, in a public law case, the provisions of a decision or order containing the ruling, apart from mere clerical or calculation errors or erroneous designations (Art. 84), are obscure, ambiguous, or self-contradictory, a request for clarification may be made to the same administrative authority that most recently issued the administrative act, and if that authority no longer exists, to the Government.

2) The request for clarification may be filed at any time and only with respect to a final (legally binding) administrative act; during the appeal period, only a submission or, if applicable, an appeal is admissible.

3) The request must be made orally for the record of the government or submitted in writing, and it must cite the deficient passages verbatim and specify the requested wording precisely.

4) If the administrative act in question affects the rights of third parties, the third party must be given the opportunity to submit comments within a reasonable time limit, with the warning that failure to respond will be deemed consent.

5) The competent administrative authority shall decide without an oral hearing, and an appeal against its decision is admissible only if the decision was not issued by the Administrative Court.

- 6) The competent administrative authority may also decide to suspend the enforcement of the contested administrative act, taking into account the requested explanation.
- 7) This is without prejudice to the protection of the public interest ex officio through reopening (annulment), irrespective of the limitations of the explanation.

G. Requests for leniency. Reports

Art. 109

- 1) To the extent that it is not precluded by law or a valid regulation, a party may, without challenging the decision or order, request a full or partial remission of the consequences of a decision or order in accordance with equity (Art. 115).
- 2) As a general rule, the government decides on the application; however, if the application is linked to an appeal, it is generally to be processed at the same time as the appeal, unless the content of the application indicates otherwise.
- 3) In response to complaints filed by the parties regarding violations or omissions of essential provisions or public interests outside of an appeal proceeding, the provisions governing supervisory complaints, dismissal, annulment, or ex officio reinstatement shall apply, depending on the grounds and purpose of the complaint.
- 4) In response to a request for leniency or a complaint, the person taking action shall provide a reasoned decision.

III. Main Section

Administrative Enforcement Proceedings

Section I

General Provisions

Art. 110

Application

- 1) The following provisions on administrative coercion apply in the field of public administration, including municipal administration, to the compulsory enforcement of enforceable orders, decisions (administrative notices), or rulings (settlements, declarations of commitment) issued by public authorities, whether such decisions or rulings are final or not and whether they were issued

the procedure set forth in the second main part or under another procedure, if a law or a valid ordinance does not contain more detailed provisions regarding administrative coercive proceedings or refers to them in any way.

2) If and to the extent that a law or valid regulation governs enforcement proceedings, these specific provisions shall apply first, supplemented by the following provisions.

3) Unless the following provisions contain nothing or nothing to the contrary, the provisions of the second main section shall apply *mutatis mutandis*.

4) The enforcement of claims under private law against the Treasury, public-law corporations and institutions, and the Princely Domain Administration shall be carried out by means of judicial enforcement (Art. 100 of the Constitution). Art. 111

Enforcement Authorities and Bodies

1) Unless otherwise provided by law, valid regulations, or this Act, the Head of Government (Art. 90 of the Constitution) and, in matters of municipal administration, the mayor—provided the latter has not requested the Head of Government to do so—shall order administrative enforcement.

2) However, if a decision is to be made in administrative enforcement proceedings, the government or the municipal council shall have jurisdiction upon the request of a party or *ex officio*, and in the event of an appeal, the government or the Administrative Court shall have jurisdiction.

3) Unless otherwise provided by law, the officers responsible for enforcing administrative coercion are the county bailiffs, clerks, local police officers, and local bailiffs; and the authorities ordering administrative coercion are generally not also authorized to actually carry out such coercion.

4) To the extent that decisions or orders under public law are to be enforced in accordance with the provisions of judicial enforcement proceedings, the Regional Court and its enforcement authorities shall act *ex officio*, and for this purpose, the enforceable administrative acts shall be submitted to the Regional Court (Art. 168).

5) All enforcement authorities must identify themselves as such before exercising administrative enforcement, so that the person against whom enforcement is to be exercised is in no doubt as to the official nature of the authority. Article 132, paragraphs 3 through 5, applies *mutatis mutandis*.

6) Foreign authorities and administrative bodies may grant administrative assistance only in accordance with Art. 25 for the enforcement of coercive measures under public law resulting from foreign orders or decisions.

7) If a conflict arises between a judicial and an administrative enforcement order or execution, the latter shall take precedence over the former where the public interest is exclusively or predominantly at stake; if the execution of judicial enforcement poses a public danger to life, limb, health, safety, or property, it shall be suspended upon objection by the government until a decision is rendered by the State Court; However, if the public interest is not at stake or if, for other reasons, the conflict between the government and the court cannot be settled amicably, the State Court shall decide upon the appeal of one of these authorities or a party (Art. 24).

Art. 112

Restriction and Proportionality

1) If the coercive measures permitted by law or valid regulation to enforce acts, tolerances, or omissions under public law are precisely defined, no other coercive measures may be used.

2) Insofar as no such restriction exists, or if no provisions have been made regarding administrative coercion, the administrative enforcement authorities and their bodies require statutory authorization for coercive measures only to the extent that they order an act, tolerance, or omission to be enforced in a manner different from or beyond what was contained in the original order (police order, financial order, etc.).

3) In all cases, the principle must apply in administrative enforcement proceedings that the enforcement authorities and bodies may not order or apply a more severe means of enforcement than appears absolutely necessary to secure or enforce the intended result.

4) If several coercive measures are permissible and suitable for enforcing the same administrative act but have unequal effects on the person concerned, the less severe measures shall generally be applied before the more severe ones.

5) A specific coercive measure must be threatened in each instance; neither may two different coercive measures be threatened simultaneously, nor may all legally

may be combined in the threat in such a way that the authority is free to choose which measure to apply next. Coercive fines and substitute detention are considered a single coercive measure.

6) On Sundays and public holidays, as well as at night (Art. 134(4)), administrative enforcement measures may generally be carried out only in urgent cases or when otherwise required by the purpose of the administrative enforcement.

Art. 113

Initiation and Threat

1) The administrative authority must, in cases involving the enforcement of obligations in the public interest, order such enforcement *ex officio*; however, if the enforcement serves the rights or interests of a party, it may only do so upon application by the duly identified party.

2) The application of administrative coercion must generally be preceded by a warning, whether in the order or decision itself or through a separate administrative coercion notice, and in the case of orders to perform an act, this must be accompanied by the setting of a reasonable deadline for compliance, unless the matter involves immediate administrative coercion, urgent measures, or security proceedings, or unless otherwise provided by law or valid regulations.

3) In particular, the threat of coercive measures must be issued prior to the enforcement of obligations that depend solely on the will of the obligated party.

4) Unless otherwise provided by applicable regulations, requests and other communications to be issued by the enforcement authority in connection with an administrative enforcement action shall be made orally; if this is not possible due to the party's absence, they shall be made in writing.

Art. 114

Challenging Coercive Orders or Decisions

1) If a decision or order (administrative notice) has become final and binding against a party, then the only admissible legal remedy, apart from a motion for reconsideration, may be based on the grounds that the coercive measures ordered by the authority are not permitted by law, or that they violate the rights or interests of the challenging parties by exceeding the bounds of appropriateness and necessity (proportionality), or that the ordering authority lacks jurisdiction.

2) A party is precluded from challenging an enforcement measure, in particular, by an existing final decision of the Administrative Court regarding the legality of the threatened and ordered coercive measure or by the expiration of the period for challenging the decision, unless it is alleged that the enforcement does not comply with the decision of the Administrative Court or that the coercive measure is unlawful in terms of its nature and amount.

3) Unless a right of appeal in administrative enforcement proceedings is expressly excluded, restricted, or not mentioned in specific laws, applicable regulations, or this chapter, an appeal—other than a supervisory appeal—may be filed with the Administrative Court within 14 days of the date of service of the enforcement order (order, administrative notice, decision, or administrative enforcement notice) or the enforcement measure, an appeal may be filed with the Administrative Court.

4) To the extent that the Regional Court is responsible for carrying out the security and enforcement measures, the legal remedies and appeals permitted under the law on security and enforcement for the obligated party or third parties shall apply.

5) Third parties who have not been involved in the proceedings to date and who consider their rights or legally recognized interests to be infringed or endangered by an enforcement action may, in the case of enforcement to be carried out by the administrative authorities, file a complaint with the Administrative Court (Art. 92 and 104); in the case of judicial enforcement, the remedies and legal remedies provided therein apply.

Art. 115

Hearing of the Parties in Administrative Enforcement Proceedings

1) With certain exceptions, a formal hearing of the parties in administrative enforcement proceedings may be ordered by the Head of Government only if there are reasonable doubts as to:

a) whether the facts have changed in a manner that differs from those assumed in the decision or order, thereby precluding its enforcement, and whether a reopening of the proceedings (Art. 105) is therefore permissible;

- b) whether the ordered enforcement has failed to target the correct person or object.
- 2) If the resolution of these doubts appears to be solely in the interest of a party, the application of the entitled party must be awaited and considered only if:
 - a) if the applicant substantiates the information provided by him or her that is suitable to justify the initiation of the proceedings or, if necessary,
 - b) provides the authority with security, deemed sufficient at the authority's discretion, for any costs of the proceedings and costs and damages incurred by the parties that may be incumbent upon him.
- 3) In the event that proceedings are initiated ex officio or upon a party's motion (request for leniency), the authority must consider to what extent enforcement of the decision or order should be suspended and to what extent a provisional order (Art. 48, third paragraph) should be issued and enforced to safeguard the public interest or the interests of the parties concerned with the enforcement of the decision.
- 4) The further proceedings are governed by the provisions contained in the first main section (Art. 54 et seq.).

Art. 116

Postponement of Administrative Coercion

- 1) Unless an exception is specified below, decisions or orders issued by the government, its head, or other competent officials (Art. 48, 52, 77) or by municipal authorities shall have suspensive effect if challenged by an appeal or a timely objection.
- 2) If the Head of Government believes that a decision adopted by the Government violates existing laws or valid ordinances, he may suspend its enforcement; however, he must immediately notify the Administrative Court, which shall decide on the enforcement without prejudice to a party's right to appeal (Art. 90 of the Constitution).
- 3) Furthermore, an appeal against an administrative decision or order does not have suspensive effect if
 - a) its immediate enforcement appears necessary to safeguard a public interest that must be protected ex officio, or if

b) the postponement would cause a disadvantage to the party in whose favor the decision or order was issued, for which that party is unable to obtain compensation for factual or legal reasons.

4) For the purposes of this provision, in the second case, the postponement of administrative enforcement measures—provided that its admissibility is assessed from the standpoint of the public interest—shall be granted if the authority is provided with documentary evidence of the consent of the parties in whose favor the contested decision was rendered to grant such authorization, or if the challenging party undertakes in writing to compensate its counterparties for the financial loss arising from the postponement, including lost profits, and provides adequate security for this purpose, to be determined by the authority after hearing the parties involved and, if necessary, experts.

5) If a party refuses to agree to these conditions despite the challenging party's willingness to fulfill them and to issue legally binding declarations in favor of the refusing party, the authority shall disregard the refusal.

6) Disputes regarding the actual compensation to be paid, as well as the enforcement of the security provided for the parties, are reserved for judicial proceedings.

7) Appeals against provisional orders required by public interest (administrative orders) shall have no suspensive effect (Art. 52, 67).

8) Unless otherwise provided by law, the decision regarding the suspensive effect of an appeal, as well as the authorization of other similar measures, generally rests with the authority or official who rendered the decision or issued the order in the first instance, subject to the right of appeal (Art. 48, 77, and 78).

9) However, this authority or official must comply with instructions (e.g., suspension) issued by the supervisory authority either *ex officio* or based on submissions by the parties (Art. 108).

Art. 117

Penalty

1) Except in cases of compulsory enforcement, it is left to the discretion of the authority (official) to decide, if circumstances permit such a postponement, whether to attempt, prior to the implementation of other drastic but but permissible enforcement measures, issue a time-limited prior warning and subsequently impose fines of up to 5,000 francs (penalty for disobedience), which are to be collected by way of compulsory enforcement. In the event of non-payment, the fine is to be converted into imprisonment, with one day of imprisonment counting as 50 francs; alternatively, the fine may also be converted into labor for the state or a municipality, with 30 francs credited for each day of labor (Art. 139).

2) In the case of legal entities (corporations and institutions) and companies, as well as minors, penalties for non-compliance (administrative penalties) are to be imposed on their representatives (Art. 139).

3) This penalty may be repeated by the Government Council, provided that the total amount of the imposed fine does not exceed 10,000 francs or the imprisonment in lieu thereof does not exceed three months.

4) Repealed

5) The order imposing a penalty for non-compliance shall have suspensive effect until any appeal filed against it has been resolved, and the penalty may not be modified to the detriment of the appellant during the review proceedings.

6) Detention shall be carried out by the court in a facility designated for this purpose, which shall be separated as far as possible from the premises used for the execution of sentences or for pretrial detention, and all costs of detention, including food and lodging expenses, shall be recovered without further ado through enforcement proceedings.

7) Arrest shall be carried out by the enforcement authority, which must present the arrest warrant at the time of arrest, on the basis of an arrest warrant issued by the district court at the request of the administrative authority (official), in which the reason for the arrest must be specifically stated.

8) Imprisonment may not be enforced as long as it exposes the health of the disobedient person to a grave and imminent danger, and it must be suspended ex officio if such dangers arise after its commencement.

9) The general provisions of the Criminal Code do not apply to the penalty for disobedience, and the coercive penalty may therefore not be recorded in the criminal record, nor may the person subject to the penalty for disobedience

treated as a repeat offender or have it otherwise held against them.

10) A penalty for disobedience that has not yet been imposed with finality may no longer be enforced if the administrative purpose to be achieved by it has been achieved or has lapsed; and it may be reduced or waived by the authority (official) if the administrative purpose is achieved or lapses during the enforcement of the penalty for disobedience; Finally, the government may, at its discretion, in the presence of extenuating circumstances, waive the forfeited penalty for disobedience in whole or in part, grant payment in installments, or otherwise grant a deferral.

Art. 118

Frustration of Administrative Coercion

Repealed

II. Section

Administrative enforcement in particular

Art. 119

General Provision

The enforcement of enforceable decisions or orders (administrative orders), whether or not they are final (Art. 110), is governed by the provisions on judicial enforcement, unless otherwise provided in the preceding or following articles.

A. The Security Proceedings

Art. 120

1) To secure the future enforcement of claims under public law, the security measures permitted under the provisions of judicial enforcement law and other laws and valid ordinances (such as injunctions, sequestration, attachment as security, etc. Art. 168) shall apply.

2) Provisional detention of the obligor or refusal to surrender documents (seizure of documents) to secure claims under public law may only take place in the cases provided for by law.

4) In cases involving the securing of public-law monetary claims or claims in rem, the district court is competent to issue the order; in other cases of securing, the head of government is competent, and in matters of municipal administration, the mayor (Art. 111(1)). In urgent cases, the mayor or his deputy, a municipal council member, a district bailiff, local police officer (Ortsweibel) may issue the order for seizure of assets or execute it themselves (Art. 155). However, these authorities must immediately notify the government or the district court of the measures taken or executed, which may confirm, revoke, or supplement the security measures.

6) Repealed

B. The Enforcement Proceedings for monetary obligations under public law

General Application

2) In particular, enforcement proceedings apply to the collection of arrears of taxes, fees, contributions to the state, municipalities, or other public-law entities and institutions

(church, school, etc.), arrears from funds administered by the State Treasury Administration, as well as to the enforcement of fines of any kind, costs of administrative proceedings, and liquid payments to municipal officials employed by the state administration at the expense of the municipality.

3) Foreign taxes and other public levies, as well as costs incurred in criminal or administrative proceedings, may not be collected unless otherwise provided by law or unless they constitute court or administrative costs incurred as a result of a request made by a domestic authority to a foreign authority.

4) For the collection of the public-law monetary payments referred to in the preceding paragraphs, the existing regulations (tax laws, municipal laws, etc.) shall apply in the first instance and, unless these provide otherwise, the provisions on judicial enforcement.

5) Accordingly, the collection of the monetary amount and the surrender of property may also take place, and enforcement shall otherwise primarily be carried out against movable property.

6) Enforcement shall be carried out by the district court at the request of the head of government or the otherwise competent authority, or upon application by the interested and entitled party, upon presentation of the administrative act to be enforced.

7) For the collection of monetary claims under public law, such as fines, costs, bail, fees, taxes, and contributions, no property may be auctioned off without the consent of the obligor or the person subject to the penalty, provided the debtor is a Liechtenstein citizen, no real property may be auctioned off; however, the compulsory registration of a mortgage in the land register or the compulsory administration of a property (Art. 129) may be ordered by the Regional Court at the request of the Head of Government or the mayor. If such a security mortgage is registered in enforcement proceedings, unrestricted enforcement against the property is permissible against the legal successor upon the sale of the encumbered property.

8) An affidavit of assets (oath of disclosure) due to fruitless enforcement may not be ordered, except in cases provided by law.

Art. 122

Recovery of a Party's Administrative Proceedings Costs

~~(LVG)~~

1) The reimbursement of costs awarded to the parties in administrative and administrative enforcement proceedings shall be collected by way of judicial enforcement only upon application and, if possible, simultaneously with the costs of the proceedings that the party liable for reimbursement must still separately reimburse to the state.

2) The latter also applies in cases where separate administrative enforcement proceedings are conducted in the same administrative matter; however, even in such cases, the enforcement costs must be recovered for the state or the municipality or the party within the meaning of the preceding paragraph.

Art. 123

Public-law monetary claims of a party

1) Enforceable monetary claims under public law against the State, municipalities, or other public-law corporations (institutions) shall be collected by way of judicial enforcement against the financial assets subject to such claims, following prior consultation with the Government or the relevant supervisory authority (Art. 136).

2) The District Court, acting as the enforcement court, shall decide, after consulting the government, on the objection as to whether a public asset is in common use or belongs to the administrative assets and is therefore not subject to enforcement.

3) In the enforcement of monetary claims under public or private law against local government bodies (municipalities) and public non-profit institutions, the government may, ex officio or upon application, decide—without the right of appeal—whether compulsory registration (Art. 136) should be carried out, or which assets may be used to satisfy the creditors without impairing the public interests to be safeguarded by the local government or such institutions.

**C. Enforcement Other personal
 performance (acts, tolerations, or omissions)**

Art. 124

Application

1) For all public-law claims not to be asserted in enforcement proceedings, the following provisions shall apply, subject to any deviating special provisions (Art. 125 et seq.).

2) The provisions of the preceding article shall also apply mutatis mutandis to the enforcement of public-law property claims asserted by a private individual against the State, municipalities, or public-benefit institutions that do not involve monetary claims.

I. Substitute Performance

(Substitute Performance)

Art. 125

1) If a law or valid ordinance directly—that is, without the need for a determination to be made in administrative proceedings—or if an otherwise enforceable order or decision of a state or municipal administrative authority, based on a valid administrative practice or valid administrative regulations, establishes an obligation to perform work or a specific service and this obligation is not fulfilled at all, or not fully, or not in a timely manner, or not at the proper place, following a prior warning by the head of government or local mayor entrusted with enforcement, then, if it is possible for the authority to perform the obligation in lieu of the obligated party, the deficient performance shall be carried out by the authority itself or by a third party at the risk and expense of the obligated party.

2) If there is imminent danger, the enforcement authority may proceed with substitute performance without first requiring the obligated party to perform the obligation themselves within a reasonable time limit.

3) In the event of resistance by the obligated party or other persons during the substitute performance, the use of force is permitted (Art. 127 et seq.), and in particular, entering the obligated party's residence, other premises, and property is also permitted for the purpose of carrying out the substitute performance.

4) After hearing the obligated party, the competent authority shall determine by order the amount of the costs incurred, which the obligated party is required to pay within a specified period, failing which enforcement proceedings will be initiated. In addition to the costs of substitute performance, these costs include a surcharge of up to 10% to cover the authorities' personnel and material expenses.

5) The competent authority is also authorized, after hearing the obligated party, to order the obligated party to pay the costs of the incurred expenses in advance by means of an order already

~~(LVG)~~

to be ordered in advance, with a deadline set, failing which enforcement proceedings will be initiated. The costs shall be determined, if necessary, with the assistance of experts. The costs to be borne by the obligated party include, in addition to the costs of substitute performance, any expert costs incurred, as well as a surcharge of up to 10% of the costs of substitute performance to cover the personnel and material expenses of the authorities.

5a) If, in the case of paragraph 5, the costs increase during the substitute performance, these additional costs shall also be borne by the obligated party. If these additional costs are not paid, they shall be collected by way of enforcement.

6) The persons appointed by the authority to carry out the substitute performance acquire, through the substitute performance, a claim for reimbursement of costs and compensation against the state or the municipality or the person who requested the substitute performance in their interest, to be settled, if necessary, through ordinary legal proceedings.

7) The person against whom the enforcement action is directed is liable for reimbursement of costs; and if the property on which the work is to be performed changes ownership during the proceedings, the action may be continued against the successor only if the order to be enforced is automatically enforceable against him, as in cases based on factual circumstances, e.g., building permits, approval of a commercial facility.

II.	Services	without	Substitute
performance (non-substitutable services)			

A. General

Provisions, Art. 126

1) If a service (act, tolerance, or omission) is such that, due to its specific nature, it cannot be performed by third parties, the obligated party must be compelled directly to perform the act, tolerate the situation, or refrain from the omission by means of a penalty for disobedience (Art. 117), or force must be used against the disobedient party.

2) If the obligated party is required to make a declaration of intent pursuant to the terms of the enforceable administrative act, such declaration shall be deemed to have been made as soon as the administrative act becomes enforceable; and if the obligation to make a declaration of intent is contingent upon the performance of a counter-performance, the foregoing legal consequence shall take effect only upon the performance of the counter-performance by the party obligated to do so.

B. Simple Use of Force on the Basis of an Order or Decision
Art. 127

Use of force in general

1) The simple use of force against persons or property based on an enforceable order or decision, with or without prior and following a prior warning to the obligated parties may only be used as a last resort, if other permissible and less severe coercive measures are unlikely to achieve the objective or to do so fully, and if such an interference with the obligated party's liberty or property is permitted by this Act, by special laws, or by valid ordinances.

2) Furthermore, apart from special provisions, force against persons or property may be used in particular when the enforcement of an administrative order is not possible by other means and the use of force, within the meaning of the law, to enforce the administrative order is a natural and self-evident coercive measure (Art. 112).

3) Furthermore, coercive measures may be taken only if their use achieves the intended result, but not merely to exert psychological pressure on the disobedient party, especially if their use does not ensure the achievement of the intended result; this is subject to any prior threat of coercive penalties and their enforcement.

4) Reasonable force may be used against resistance during the execution of enforcement measures of any kind; to overcome such resistance, the provisions of Section 3 on direct administrative coercion shall apply *mutatis mutandis*, in addition to the provisions set forth below.

Art. 128

Specific Measures of Force. Coercion Against Persons

1) The performance of acts, in particular those incumbent upon the obligated party vis-à-vis an authority or a party, shall be enforced by the performance of the act to be performed under the protection of the enforcement authorities (e.g., compulsory vaccination).

2) With regard to compulsory appearance, arrest, police custody, admission to reformatories and other institutions (quarantine),

searches, and deportation (expulsion), reference is made to the statutory provisions (e.g., Art. 70, 117, 133, 157).

3) In the event of a public health epidemic (smallpox, typhus, spotted fever, Asian cholera, and plague), following a warning by the government, a physical examination of a person who refuses to comply may be conducted to assess their risk of spreading the disease after they have been physically subdued.

4) In the event of an epidemic posing a danger to the public, the government may also order compulsory isolation, eviction, or medical supervision until the grounds for such measures no longer apply (Art. 130, para. 3).

5) A person to be deported pursuant to a decision by an administrative authority or the courts may be taken into custody by force in the event of refusal; the person must be deported as soon as possible.

6) To prevent or combat animal diseases (foot-and-mouth disease, etc.), the government may order the compulsory isolation of persons and similar measures for the purpose of enforcing its orders (Art. 130(3)).

7) This does not preclude claims for compensation, to be asserted against the State through ordinary legal channels and determined at the court's discretion, by persons who have suffered damage through no fault of their own as a result of measures of the kind described in the fourth and sixth paragraphs of this article.

Art. 129

Coercion against property. Compulsory administration

1) If a decision or order that does not involve a monetary payment can be enforced only through the administration of a commercial or industrial enterprise or by influencing the management of the assets of a public corporation or institution, it shall be enforced by the threat and execution of compulsory administration.

2) The formal appointment of the administrator is generally (Art. 136) made at the request of the head of government by the regional court, which is bound to the person designated to it by the head of government.

3) The administrator appointed in this manner, to whom any administrator previously appointed by the court must yield for the duration of his appointment, exercises all the powers and duties of a receiver appointed for the purposes of private law administration.

4) Once the purpose of such a court-ordered receivership has been achieved, the head of government must immediately notify the regional court thereof for the purpose of dismissing the administrator appointed at his request, or, if necessary, for the purpose of reappointing the administrator who has since been removed from

and appointed for the purposes of private law administration.

5) This notification may be challenged by any interested party through an appeal.

6) If the purpose of the receivership of an enterprise cannot be achieved due to the insufficiency of the funds available to the administrator or obtainable through credit transactions, the government shall order the cessation of the enterprise, taking into account any interests of public safety that may be affected thereby.

7) If the continued existence of the enterprise is required in the public interest, compulsory expropriation shall be effected through lawful means.

Art. 130

Various Means of Coercion

1) The entry into and search of immovable property (premises) for the purpose of enforcing administrative coercion, and the admissibility thereof, shall be governed by this Act or by other applicable statutory provisions (Art. 67, 134).

2) The compulsory eviction from immovable property shall be carried out by the administrative enforcement authorities in accordance with the provisions governing judicial enforcement.

3) In the event of epidemics posing a danger to humans and animals, the enforcement authority may order the compulsory disinfection of premises and property at the expense of the responsible party or, if necessary, the state; it may also order the destruction of property or the slaughter of animals, with compensation to be provided by the state.

4) To combat an imminent or ongoing epidemic posing a danger to humans or animals, the government may also order the quarantine of houses, stables, and individual localities (house, stable, and locality quarantine), prohibit grazing (grazing ban), and immediately order similar appropriate measures (Art. 128 para. 7).

5) The seizure (sealing, stamping), removal for use, confiscation, rendering unusable, or even destruction of movable property, where such coercive measures are permissible under the law, apart

~~(LVG)~~

administrative penalty proceedings, are permissible, shall, as a rule (Art. 155), be carried out by the Head of Government through the enforcement authorities.

6) Any property that has been forfeited in a legally valid manner must be publicly auctioned by the Regional Court at the request of the Head of Government or the local mayor in accordance with the existing regulations on judicial auctions of movable property, provided that such an auction is not precluded by public interest or otherwise by law, or provided that the forfeited property is not to be destroyed or rendered unusable (Art. 155).

7) The proceeds from such items shall be remitted to the state after deducting any costs incurred.

III. Section

Direct Administrative Coercion

Art. 131

Admissibility and Scope

1) Direct coercion through the immediate use of force against persons or property without a hearing of the parties and, where applicable, without a prior warning (order) may only be used (grounds for justification):

a) if a law or valid ordinance authorizes the authority or public official to use immediate force for the purpose of enforcing a performance, tolerance, or omission, or if, in other cases, direct coercion is absolutely and indispensably required by the nature of the administrative objective to be achieved in the specific case;

b) to combat conditions, acts, and omissions contrary to public order, namely:

in cases of police emergencies (emergency policing), such as natural disasters (fire, flood, or storm), epidemics dangerous to the public, and similar occurrences, and in general whenever a public danger is imminent;

for the lawful self-defense of the state (national defense) or of municipalities and the public administration using their personal and material resources (self-defense of movable or immovable administrative property, of the peaceful conduct of administrative affairs, of civil servants on duty, etc.) against unjustified (unlawful) external interference (attack) that is likely to cause disruption;

to forcibly prevent serious criminal offenses.

- 2) Apart from these specific grounds for justification, the admissibility of immediate coercion is subject to the condition that the administrative objective to be achieved cannot be realized in a timely manner through the enforcement of an order (administrative decree) issued pursuant to the procedure set forth in the second main section or pursuant to another procedure (Art. 52).
- 3) The nature and extent of the force to be used and the means employed are generally determined by the administrative objective to be achieved, the nature of the police offenses to be combated, and the possibility of addressing them; furthermore, strict adherence to the principle of proportionality is required when using force and its means (Art. 112).
- 4) The use of force ceases to be lawful as soon as the purpose justifying it has been achieved or has ceased to exist.
- 5) The general provisions on administrative coercion apply to the exercise of direct coercion only to the extent that nothing else follows from the nature or urgency of the latter or from the subsequent provisions.
- 6) In accordance with the preceding paragraphs, measures involving the simple use of force (Art. 127 et seq.) may also be applied against a party without a prior order or warning.

Art. 132

Status of the Ordering Authorities and Executing Bodies. Appeal

- 1) As a general rule, unless special circumstances, such as urgency, etc., require otherwise, the direct use of force shall be ordered by the head of government in matters of state administration and by the mayor in matters of municipal administration.
- 2) In cases of extreme urgency, in the event of imminent danger, or when otherwise required by law or valid regulations, in addition to the mayor, enforcement bodies such as the county constable, municipal constable, night watchman, forest and field protection personnel, border guards, and similar bodies may, within their jurisdiction, take the necessary measures independently and without a specific order.
- 3) Law enforcement officers enjoy protection under criminal law when lawfully exercising direct administrative coercion. Errors committed in the course of their official duties that are mistakenly unlawful do not justify resistance.

4) Law enforcement officers are not bound by orders if those orders clearly contain unlawful instructions; in such cases, however, they must immediately report the matter to their superiors.

5) Repealed

6) Appeals against measures involving the use of force may be lodged without suspensive effect (Art. 116) and subject to liability: if such measures are issued by the local mayor or by an enforcement agency of the municipality or the state, an appeal may be lodged with the head of government; if ordered by the head of government, to the Government Council, and against their decisions to the Administrative Court.

7) If a special administrative hearing is scheduled regarding measures involving the use of force, an appeal is admissible only against the decision or order issued following the hearing (Art. 54 et seq.).

Specific means of coercion, in particular

Art. 133

Repealed Art.

134

Entry into a dwelling or other premises Seizure and related measures

1) Repealed

2) Administrative authorities may enter, remain in, and search the premises of others to the extent that an official act to be performed (notification, inquiry, enforcement) in the premises in question indisputably requires it.

3) Finally, administrative authorities may enter such premises, remain therein, and search them, apart from in cases of calls for help or emergencies, if specific laws or valid ordinances (Fire Safety Act, Trade Regulations, etc.) permit this and, where applicable, supervision; to the extent that such supervision is required, a search may also be conducted in conjunction therewith (Art. 67).

4) During nighttime hours, entry into a residence and its premises is permitted only in cases of extreme urgency (e.g., fire, flood, or emergency calls; unlawful acts of violence) or when a call for help is made. Nighttime hours are defined as 9:00 p.m. to 4:00 a.m. from April 1 to September 30, and October 1 through March 31, the hours from 9 p.m. to 6 a.m.

5) Security personnel (mayors, district constables, municipal constables) have unrestricted access to premises generally open to the public in accordance with their intended purpose (publicly accessible premises), such as restaurants, dance halls, concert venues, open shops, and the like, during the hours they are generally open: without limitation to the purpose for which the premises are open to other people; without payment of any admission fee that might otherwise be required; by setting aside any right the owner might otherwise have to exclude certain persons from general free access; and finally, without the requirement of a specific official duty to be performed, i.e., for the sole purpose of supervision or inspection.

6) Repealed

7) Repealed

Art. 135

Repealed

IV. Section

Supervisory and Coercive Measures Against Self-Governing Bodies

Art. 136

1) To what extent do the government's supervisory and enforcement measures extend to municipalities and any other public-law entities or institutions with regard to their delegated and own spheres of activity (organization, statutes, or administration), and to what extent, in particular, do preventive supervisory measures—such as reviewing administrative records and conditions (access to records, site visits, extraordinary investigations, and then notifications, reporting, and the provision of information by municipal authorities, etc.), or how reserved participation in administrative acts—in the form of approvals of resolutions regarding the issuance of bonds, the sale or encumbrance of real property, statutes, etc., or in the form of the confirmation of administrative acts—is permissible, shall be determined in accordance with existing laws and valid ordinances (Art. 1 and 4).

2) In exercising state supervision over the municipalities (Art. 110 of the Constitution), the government shall, upon notification by a party (supervisory complaint) or ex officio, also

~~(LVG)~~

a) declare invalid and revoke resolutions, orders, or decrees that conflict with existing laws or valid ordinances, unless they are withdrawn by the issuing municipal authority itself within a reasonable period to be determined, and, if necessary, prohibit their enforcement (suspension).

If the resolution, order, or decree merely entails a disadvantage or violation of the rights or interests of an individual and does not concern private rights falling under the jurisdiction of the Regional Court, the government may, through judicial review, repeal or amend it only on the basis of a complaint filed in a timely manner (Art. 30);

b) if the municipality fails to fulfill, or fulfills only inadequately, tasks or obligations legally incumbent upon it, to determine such tasks or obligations by means of a declaration of liability and to require the municipality to fulfill them. In particular, however, if the municipality refuses to fulfill a private- or public-law obligation incumbent upon it and determined by the competent authority (court), the court must compel the municipality to include the necessary expenditure amount (mandatory expenditure) in its budget (budget estimate) (compulsory inclusion) and may thereby, as well as through all—if through further enforcement measures (e.g., B. tax assessments, borrowing on behalf of the municipality, sale of assets, etc.)—taking into account the financial capacity of the municipality and its taxpayers (Art. 123), compel the municipality to address the matter;

c) impose penalties for non-compliance of up to 500 francs, and in the event of a repeat offense, up to 1,000 francs (Art. 117) on municipal authorities or bodies acting in breach of their duties;

d) if the municipal authorities or bodies persistently refuse to fulfill their duties and responsibilities, particularly if the public functions entrusted to the municipality are neglected in a manner that jeopardizes the public interest, to take remedial action at the risk and expense of the defaulting municipality or the responsible parties, if necessary, to appoint a replacement, provided that the authorities or bodies in question were not elected by the municipality;

e) finally, if necessary, to order compulsory administration (Art. 129) and have it carried out by a state commissioner in accordance with detailed instructions, and

this purpose, if necessary, temporarily suspend the municipal authorities and bodies from their official functions.

3) The supervisory and coercive measures listed above, as well as the other coercive measures provided for in this chapter, shall be applied in strict observance of the principle of proportionality (Art. 112).

4) The local government body or its authorities (bodies) has the right to appeal to the Administrative Court against interventions by the government or other state authorities in the sphere of local self-government that infringe upon interests or rights (Art. 92, para. 2).

V. Section

National Emergencies and Disaster Relief

Art. 137

1) In the event of a state of emergency (river, fire, or civil emergency), in addition to the measures otherwise authorized by this Act or by special regulations, everyone is obligated, upon request by the head of government, the mayor, a municipal council member, or the authorities of the Rhine, fire, or flood police, to provide mutual assistance, manual labor, and transport services, and to take defensive measures (emergency assistance), under penalty of punishment for disobedience (Art. 117); likewise, the municipalities are required to assist one another.

2) To effectively combat such public dangers, the competent officials and, if such officials are not present, any official or private individual is authorized to take all necessary measures, and for this purpose, personal and material services (vehicles, etc.) may be requested (requisitioned) by mutual agreement or by force.

3) In the event of violent incursions, a general outbreak of unrest, and acts of violence against persons and property, the government may, subject to special provisions, issue the orders necessary for the protection of the country, its population, and the public administration (national defense).

4) Such measures shall cease to apply if the State Parliament, which must be convened immediately, does not approve them.

5) If, through no fault of their own, a person suffers specific damage in the public interest as a result of such a requisition or other use of force by public authorities, the injured party may,

(LVG)

unless special provisions exist, claim compensation to be determined at the court's discretion, primarily from the party responsible for the public danger, then from any third party who derived special benefits from the injured party's sacrifice—to the extent that such benefits were derived—or, finally, from the municipality where the emergency occurred.

6) The foregoing provision does not apply to liability for damages resulting from riots.

VI. Section: **The**

Justice of the

Peace Art. 138

1) The mayor, municipal councilors, village constables, local police officers, or village constables may, apart from any other permissible measures (e.g., Art. 133), within their respective jurisdictions and upon expressly identifying themselves as such in serious public disputes that appear to be escalating into physical altercations or have already degenerated into such,

formally order the disputing or violent parties—provided they are not themselves involved—to maintain peace and quiet, under threat of a fine.

2) If, under the aforementioned conditions, the quarreling or violent parties have been formally ordered three times to maintain peace and quiet, and if these persons continue to disregard the order to maintain peace and quiet and persist in the dispute or the violence,

then, subject to any other applicable penal provisions, a peace fine of up to 50 francs may be imposed; if the fine cannot be collected, 24 hours of detention may be imposed. This fine shall not be treated as a prior conviction.

3) If the peace fine is not paid voluntarily in the settlement proceedings, it may be imposed in criminal proceedings by the mayor of the municipality in whose territory the dispute or physical altercation took place, based on his own observation or upon a report by one of the officials (peace officers) mentioned in the first paragraph, for the benefit of the relevant municipal poor fund.

4) An appeal may be filed against the penalty order in the same manner as against other penalty orders in municipal matters (Art. 147, para. 5).

IV. Main Section

Administrative Penal Proceedings

Art. 139–165

Repealed

V. Main Section

Final, Introductory, and Implementing Provisions

Art. 166

Abuse of Office – Compensation

1) Any coercive measure (such as searches) taken in the course of official duties or service in violation of the provisions of this Act shall, in the case of malicious intent, be punishable as a crime of abuse of authority (Section 101 of the Criminal Code), but in all other cases as a misdemeanor involving a breach of the duties of a public office or service (under Sections 331 and 332 of the Penal Code).

2) In addition to imprisonment, a fine of up to 2,000 francs may be imposed, and in the case of a felony, removal from office shall also be ordered.

3) The provision on compensation under Art. 32 of the Constitution also applies to administrative criminal proceedings (Art. 157); moreover, subject to the provisions of this Act, the legislature shall determine in which cases compensation under public law is to be paid for lawful official interventions through administrative acts affecting a person's property or liberty.

Art. 167

Repealed Art.

168

Land Registry Provisions

1) Documents on the basis of which the registration or cancellation of a right in rem in the land register may take place, provided they otherwise contain the necessary land register details, also include enforceable orders (administrative orders) or decisions issued by the competent administrative authorities (officials), regardless of whether they are final or not.

2) Likewise, a land registry annotation must be made at the request of a competent administrative authority (official) or upon application by a party if the purpose is to secure claims or other rights of the state, a ge-

municipalities or other public-law entities (institutions) or regarding public-law claims of one party against another (Art. 120).

3) In the cases listed in the preceding paragraph, the security registration is justified by the submission of the enforceable administrative act of the competent authority (official) that is empowered to dispose of or decide on the existence of the secured claim.

4) If the basis for the registration or annotation has ceased to exist due to any legally recognized circumstance, the owner of the encumbered property may request its cancellation in a simple administrative proceeding.

Art. 169

Schedule of Fees

1) The Government shall, by ordinance, set the administrative fees that the parties must pay to the State, together with the costs of the proceedings, in connection with the conduct of any proceedings governed by this Act or by other laws or valid ordinances.

2) In doing so, it may, depending on the circumstances, set a flat fee (minimum and maximum fee) for an entire proceeding or a part thereof, or it may determine the individual fees associated with the performance of specific administrative acts by the parties or authorities (officials).

3) The ordinance shall also specify whether and in which cases the fee is to be paid in advance or in arrears, in cash or in revenue stamps, or, if necessary, secured, subject to the right of indigent relief.

Art. 170

Repeal, Amendment, and Supplementation of Existing Provisions

1) All provisions that conflict with this law are hereby repealed.

2) In particular, the following are repealed:

a) The Ordinance of December 9, 1858, No. 10073, concerning the authority of the Princely Government Office, etc.; where that ordinance is mentioned in existing laws or valid ordinances, the relevant provisions of this Act, in particular Art. 110 et seq., 140, shall take its place;

b) Sections 1 through 19 of the Official Instructions of May 30, 1871, LGBL 1871 No. 1, insofar as they have not already been repealed, and the ordinances of February 20, 1904, LGBL 1904 No. 3, and May 14, 1915, LGBL 1915 No. 7;

- c) all restrictions contained in existing regulations under which the government is required to make a final determination or decision, unless exceptions are provided for in this Act;
 - d) or which set a different time limit for appeal than that contained in the relevant provisions of this Act.
- 3) Where the existing laws or ordinances refer to the political authorities, this means the government, unless the content of the provisions indicates otherwise, and where reference is made to the Court Chancellery or the political appeals body, this means the administrative appeals body.
- 4) The calculation of the time limits contained in the individual laws or applicable ordinances, apart from the provisions contained in this Act or in special laws and ordinances, shall be carried out in simple administrative matters in accordance with Section 4 of Book 4 of the Commercial Code and in administrative criminal matters in accordance with the Criminal Code.
- 5) The penalties for misconduct prescribed by this Act (Sections 46 and 154) also apply to misconduct in official acts outside of a hearing and to submissions of an offensive nature.
- 6) The provisions of this Act shall not apply if such application is precluded by principles of domestic or international law.

Art. 171

Temporal Application

- 1) This Act shall enter into force on the date of its promulgation, and from that date onward, new cases to be heard by the Government or the administrative appeals authority shall be decided in accordance with this Act.
- 2) The provisions relating to the State or Administrative Court shall enter into force only upon the establishment of these courts.
- 3) All administrative cases pending before the Government or the political appeals authority on the date this Act enters into force shall be decided in accordance with the previously existing procedural rules, subject to the following restriction:
 - a) that the principles established in favor of the parties must be observed and that, in particular, the reopening of proceedings and the provisions on administrative coercion are immediately applicable;

~~(LVG)~~

b) that the provisions of Section 1, which are established in administrative criminal proceedings in favor of the accused, shall apply or may be applied.

Art. 172

Implementation

- 1) My Government is charged with the enforcement of this Act.
- 2) It may, within the framework of this Act, issue the provisions necessary for its implementation, including rules of procedure.
- 3) For the practical application of this Act, an official subject index shall be compiled, and forms shall be used wherever possible. Vaduz (Vienna), April 21, 1922

III. State Court Act (StGHG)

of November 27, 2003

I. General Provisions

A. Composition and Organization

Art. 1

Composition and Functions

- 1) The State Court is a court of public law that is autonomous and independent of all other constitutional bodies.
- 2) The State Court is established:
 - a) to protect the rights guaranteed by the Constitution;
 - b) to review the constitutionality of laws and international treaties, as well as the constitutionality, legality, and compliance with international treaties of ordinances;
 - c) to rule on conflicts of jurisdiction between courts and administrative authorities;
 - d) to rule on election complaints;
 - e) to rule on charges against ministers;
 - f) to perform other duties specified by law pursuant to the Constitution.
- 3) The Constitutional Court consists of five judges and five alternate judges. The President, the Vice President, and one other judge, as well as three alternate judges, must be Liechtenstein citizens. At least three judges and three alternate judges must be qualified legal professionals.
- 3a) The President and the Vice President are full-time judges; the remaining judges of the Constitutional Court are part-time judges.
- 4) The Constitutional Court has its seat in Vaduz.

Art. 2

Definitions

The terms used in this Act to designate persons and functions shall be understood to include members of both the female and male genders.

Art. 3

Term of Office and Appointment

- 1) The term of office and appointment of full-time and part-time judges, as well as substitute judges of the Constitutional Court, are governed by Art. 105 of the Constitution.

2) If a part-time judge of the State Court is appointed as a full-time judge, the period previously served as a part-time judge shall not be taken into account.

3) The part-time judges and alternate judges of the State Court shall remain in office until the newly elected judges take office.

4) The procedure for appointing judges of the State Court is governed by the Judges Appointment Act.

Art. 3a

Requirements for Appointment

1) The following requirements must be met for appointment as a full-time judge of the State Court:

- a) Liechtenstein citizenship;
- b) full legal capacity;
- c) unrestricted personal and professional suitability with relevant experience in the field of public and constitutional law;
- d) legal expertise as defined in Art. 15(3) of the Judicial Service Act, as well as 15 years of professional legal experience.

2) For appointment as a part-time judge or substitute judge of the State Court, the requirements under paragraph 1(b) and (c) must be met.

3) Article 1(3) remains reserved.

Article 3b

Service Law

1) The following provisions of the Judges' Service Act apply mutatis mutandis to the service law governing judges of the State Court:

- a) for full-time judges: Articles 22 through 30, 32, 33, 35, and 36;
- b) for part-time judges and substitute judges: Art. 22, 25a, and 29b.

2) With regard to appointment and removal from office, as well as decisions in disciplinary matters, Articles 12 and 35 et seq. remain reserved.

Art. 4

Incompatibility

1) The judges of the State Constitutional Court may not be members of the State Parliament, the government, the courts, or the administrative authorities of the State. Upon their appointment, they shall resign from such offices.

2) Article 24(4) of the Judicial Service Act remains reserved.

Art. 5

Oath of Office

Before taking office, the judges of the State Court shall swear to uphold the Constitution and all other laws and to fulfill their duties conscientiously.

Art. 6

Independence

The judges of the State Court are independent in the exercise of their judicial functions within the legal limits of their authority and in judicial proceedings.

Art. 7

Professional Secrecy

The judges of the State Court are bound by professional secrecy. Art. 8

Administration

1) The administration of the State Court and the allocation of duties are the responsibility of the President in accordance with established rules. He presides over hearings and deliberations. The President is the superior of the staff assigned to the Court. He appoints and swears in the clerks for hearings and deliberations.

2) If the President is unable to perform his duties, the Vice President shall act in his stead. If the Vice President is also unable to perform his duties, the Court shall designate a presiding judge from among its members, or, if necessary, from among the alternate judges.

Art. 9

Composition

1) The Court must consist of five judges during its hearings, deliberations, and voting. A majority of these judges must be Liechtenstein nationals and a majority must be legally qualified.

2) If a judge is unable to attend, he or she shall be represented by a substitute judge for that case.

3) If the Court cannot be properly constituted even with the inclusion of a substitute judge, a replacement appointment must be made for that case.

B. Recusal, Suspension, and Removal

Art. 10

Recusal

- 1) A judge of the State Court is excluded from exercising his or her office:
 - a) in cases where a ground for exclusion under administrative procedure exists;
 - b) in cases where he has already acted in an official or professional capacity.
- 2) The President shall decide on the exclusion prior to the hearing; otherwise, the Court shall decide.

Art. 11

Recusal and Challenge

- 1) A judge of the State Court may recuse himself or be challenged by the parties:
 - a) in matters involving a legal entity of which he is a member;
 - b) if there exists between him and a party either a special friendship or a personal enmity, or a special relationship of duty or dependence;
 - c) if there are facts that make him appear biased with respect to the case under consideration.
- 2) The president decides on recusal or challenge prior to the hearing; otherwise, the court decides.

Art. 12

Appointment and Removal from Office

- 1) Subject to his right to resign, a judge of the State Court may be appointed or removed from office only by the State Court itself.
- 2) If a judge loses the capacity to act, or if he becomes unable to perform his official duties for an extended period or permanently due to physical or mental infirmity, he shall be suspended from office or removed from office.
- 3) A judge of the State Constitutional Court shall be suspended from office for the duration of criminal or disciplinary proceedings.
- 4) A judge shall be removed from office by disciplinary judgment if he or she is convicted in a criminal court, resulting in ineligibility for election to the State Parliament, or if, through conduct in or outside of office, he or she has shown himself or herself unworthy of the respect and trust required by the office or has grossly violated the duty of official confidentiality.

C. Miscellaneous Provisions

Art. 13

Representative of Public Law

Where the law so provides or where, in the Government's view, the public interest so requires in the handling of a matter, the Government shall appoint a representative of public law with party status in the proceedings.

Art. 13a

State Court Registry

1) A State Court Registry shall be established at the State Court, to be headed by the President.

2) The State Court Registry shall be responsible for:

- a) the preparation of court decisions, summonses, and other official documents;
- b) the registration of cases and the maintenance of case files; and
- c) handling other administrative matters of the State Court, insofar as they are not assigned to the research department.

3) The provisions of the Court Organization Act applicable to non-judicial staff shall apply mutatis mutandis to the staff of the Office of the Constitutional Court, provided that the President of the Constitutional Court is responsible for matters relating to their employment status.

Art. 13b

Research Division

1) A research department shall be established at the State Court, headed by the President.

2) The Research Department is responsible for:

- a) assisting the judges in drafting decisions and assisting the President and the Vice President in all other tasks;
- b) the final editing and publication of decisions, including their anonymization;
- c) performing other tasks assigned to it by the Rules of Procedure.

3) Article 13a(3) applies mutatis mutandis to the staff of the Research Department.

Rules of Procedure

The Constitutional Court shall adopt Rules of Procedure. These shall cover matters of organization, procedure, administration, the allocation of duties, representation by substitute judges, and the publication of the Court's decisions. The Rules of Procedure shall be published in the State Gazette.

II. Jurisdiction

A. Protection of constitutionally guaranteed rights

Individual Complaints

1) The State Court of Justice shall rule on complaints to the extent that the complainant alleges that a final decision or order of the public authorities has violated one of his constitutionally guaranteed rights or one of his rights guaranteed by international treaties, for which the legislature has expressly recognized a right to individual complaint.

2) Rights guaranteed by international treaties within the meaning of paragraph 1 are those:

- a) the Convention of November 4, 1950, for the Protection of Human Rights and Fundamental Freedoms;
- b) the International Covenant of December 16, 1966, on Civil and Political Rights;
- c) the International Convention of December 21, 1965, on the Elimination of All Forms of Racial Discrimination;
- d) the Convention of December 18, 1979, on the Elimination of All Forms of Discrimination against Women;
- e) the Convention of December 10, 1984, against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;
- f) the Convention of November 20, 1989, on the Rights of the Child.

3) The Constitutional Court shall also rule on complaints to the extent that the complainant alleges that a law, ordinance, or international treaty has directly violated one of his constitutionally guaranteed rights or one of his rights guaranteed by international conventions for which the legislature has expressly recognized an individual right of complaint (para. 2)

and the relevant legal provision has become effective for the complainant without a decision or order having been issued by a public authority.

4) The appeal may be filed within four weeks of service of the final decision or order or from the date on which the direct violation took effect (para. 3). In proceedings concerning international administrative assistance, as well as in cases of inadmissible asylum applications and the associated removal (Art. 20 and 25 of the Asylum Act), the appeal period is 14 days.

5) In cases where an appeal is definitively dismissed as inadmissible due to the exhaustion of all legal remedies, the decision of the lower court may also be challenged before the State Court within the appeal period set forth in the dismissal decision.

Art. 16

Content

The complainant must set forth the facts of the case in the complaint and substantiate the alleged violation. The statement of grounds must identify the right that is alleged to have been violated, the decision or order or the legal provision by which the complainant feels aggrieved, and must demonstrate the timeliness of the complaint and the complainant's standing in the preceding proceedings.

Art. 17

Decision

1) If the State Court finds that the complainant has been infringed upon by the contested decision or order of a public authority in one of his constitutionally guaranteed rights or in one of his rights guaranteed by international conventions for which the legislature has expressly recognized an individual right of appeal (Art. 15, para. 2), then it shall set aside said decision or order and, where appropriate, instruct the authority in question to decide the matter anew.

2) If the Constitutional Court finds that the petitioner has been deprived, by a law, a regulation, or a treaty, of one of his constitutionally guaranteed rights or of one of his rights guaranteed by international conventions, for which the legislature has expressly recognized a right to individual complaint

has recognized (Art. 15, para. 2), is directly violated, then it must proceed in accordance with Articles 18 through 23.

B. Review of the Constitutionality of Laws

Art. 18

Review of Laws

1) The Constitutional Court rules on the constitutionality of laws or individual statutory provisions:

- a) upon request by the government or a municipality;
- b) upon the request of a court, if and to the extent that the court has decided to apply a law or individual provisions thereof that appear unconstitutional to it in a proceeding pending before it (prejudicial review) and to stay the proceedings in order to submit a request to the Constitutional Court;
- c) ex officio, if and to the extent that it is required to apply a law or individual provisions thereof that appear unconstitutional to it in a case pending before it.

2) A request for a review of a law must state the grounds for the alleged unconstitutionality and contain a request to repeal a specific law in whole or in part.

3) In the proceedings, the government shall be given the opportunity to comment within a period to be determined. It may join the proceedings at any time.

Art. 19

Decision

1) If the Constitutional Court finds that a law or individual provisions thereof are incompatible with the Constitution, it shall repeal the law or the relevant provisions. If other provisions of the law directly related thereto are incompatible with the Constitution for the same reasons, the Constitutional Court may repeal them ex officio even without a petition.

2) If the law or individual provisions thereof have already ceased to be in force, the Constitutional Court shall declare them unconstitutional.

3) The ruling on the repeal or on the declaration of unconstitutionality must be published by the government without delay in the State Gazette. The repeal takes legal effect upon publication, unless the State Constitutional Court sets a period of no more than 18 months for this purpose; the specific case in question is excluded from this provision.

C. Review of the constitutionality, legality, and conformity with international treaties of regulations

Art. 20

Review of Regulations

1) The Constitutional Court shall rule on the constitutionality, legality, and compliance with international treaties of ordinances or individual provisions of ordinances:

a) upon the request of a court or a municipal authority, if and to the extent that they are required to apply a regulation or individual provisions thereof that appear to them to be unconstitutional, unlawful, or contrary to international treaties in a proceeding pending before them (prejudicial review) and they have decided to stay the proceedings in order to submit a request to the State Constitutional Court;

b) ex officio, if and to the extent that it must apply a regulation or individual provisions thereof that appear to it to be contrary to the Constitution, a statute, or an international treaty in a proceeding pending before it;

c) upon the request of at least 100 eligible voters, provided that such request is filed within one month of the publication of the regulation in the State Law Gazette.

2) A petition must state the grounds for the alleged unconstitutionality, illegality, or violation of an international treaty, and must request the repeal of a specific ordinance or individual provisions thereof.

3) In the proceedings, the government shall be given the opportunity to comment within a period to be determined. It may join the proceedings at any time.

Art. 21

Decision

1) If the Constitutional Court finds that a regulation or any of its provisions is incompatible with the Constitution, a law, or an international treaty, it shall repeal the regulation or the relevant provisions. If other provisions of the ordinance directly related to it are incompatible with the Constitution, a law, or an international treaty for the same reasons, the Constitutional Court may also repeal them ex officio without a petition.

2) If the ordinance or individual provisions thereof have already ceased to be in force, the Constitutional Court shall declare them to be unconstitutional, contrary to a law, or contrary to an international treaty.

3) Article 19(3) applies *mutatis mutandis* to the publication and legal binding force of the decision.

D. Review of the Constitutionality of International Treaties

Art. 22

Review of International Treaties

1) The Constitutional Court shall rule on the constitutionality of international treaties or individual provisions of international treaties:

a) at the request of a court or administrative authority, if and to the extent that such body is required to apply an international treaty or individual provisions thereof that appear to it to be unconstitutional in a proceeding pending before it (prejudicial review) and has decided to stay the proceeding in order to submit a request to the Constitutional Court;

b) *ex officio*, if and to the extent that it is required to apply an international treaty or individual provisions thereof that appear to it to be unconstitutional in a case pending before it.

2) In the proceedings, the Government shall be given the opportunity to submit its views within a period to be determined. It may join the proceedings at any time.

Art. 23

Decision

1) If the Constitutional Court finds that an international treaty or individual provisions thereof are incompatible with the Constitution, it shall revoke their domestic binding force.

2) Article 19(3) applies *mutatis mutandis* to the promulgation and legal binding force of the judgment.

E. Decision on Conflicts of Jurisdiction

Art. 24

Conflicts of jurisdiction

1) The Constitutional Court shall decide on conflicts of jurisdiction arising from the fact that:

a) a court and an administrative authority have claimed jurisdiction over the same matter or have decided on the matter themselves (positive conflict of jurisdiction);

b) a court and an administrative authority have declined jurisdiction over the same matter (negative conflict of jurisdiction).

2) Jurisdictional disputes within the judicial authorities or within the administrative authorities are decided through the appellate process within the courts or the administrative authorities, respectively.

Art. 25

Motion

1) A motion for a ruling on a positive conflict of jurisdiction may be filed only as long as no final judgment has been rendered in the main action.

2) The motion may be filed by the court of last instance hearing the case or by the government within a non-extendable period of four weeks following the end of the day on which that authority became aware of the conflict of jurisdiction. Failure to meet this deadline results in the court having jurisdiction to decide the case.

3) A motion for a ruling on a negative conflict of jurisdiction may be filed only by one of the parties to the proceedings.

Art. 26

Decision

The decision on jurisdiction shall also include the annulment of any administrative act that conflicts with this decision.

F. Decision on Elections

Art. 27

Election Complaints

The State Court of Justice shall rule on complaints against elections in a constituency or throughout the country, or against the election of one or more members of the National Assembly or deputy members, to the extent provided by law.

G. Decision on charges against ministers

Art. 28

Requirements

1) The State Constitutional Court shall rule on charges brought by the State Parliament against members of the government for violations of the Constitution or other laws, provided that such violations occurred intentionally or through gross negligence in the performance of official duties.

2) The charge may be brought only within one year after the facts underlying it have become known to the State Parliament.

3) The State Parliament's right to bring charges does not lapse upon the resignation of the relevant member of the government, whether such resignation occurs before or after charges have been brought.

4) The State Parliament's right to bring charges expires if three years have elapsed since the offense was committed.

Art. 29

Indictment

1) The indictment is brought by filing a written indictment with the President of the State Court.

2) The indictment must contain the act or omission for which the charge is brought, the evidence, and a specification of the provisions of the Constitution or the law that are alleged to have been violated.

Art. 30

Proceedings

1) Unless otherwise provided by this Act, the provisions of the Code of Criminal Procedure shall apply *mutatis mutandis* to the proceedings.

2) If separate criminal proceedings are conducted, the State Court may stay its decision until the final conclusion of those proceedings or request the criminal court to stay its decision until the State Court has rendered a final decision.

3) The indictment may be withdrawn by the State Parliament until the decision is rendered. The withdrawal of the indictment becomes ineffective if the defendant objects to it within one month.

4) The initiation and conduct of the proceedings shall not be affected by the expiration of the term of office or by resignation from office.

Art. 31

Preliminary Investigation

1) The State Court shall order a preliminary investigation in preparation for the final hearing.

2) This preliminary investigation shall be entrusted to a judge of the State Court who neither participates in the final hearing nor is called upon to take part in the decision.

- 3) The investigation shall be conducted with the utmost speed.
- 4) The preliminary investigation shall be discontinued if the State Parliament withdraws the indictment.
- 5) In preparation for the final hearing, the President of the State Court may order further investigations.

Art. 32

Rights of the Defendant

- 1) Arrest, pretrial detention, and the appearance of the defendant before the investigating judge are prohibited.
- 2) The defendant must be given the opportunity to make an oral statement regarding the charges before the final hearing.
- 3) All public officials are released from their duty of official secrecy during their examination by the investigating judge and at the final hearing. Art. 33

Final Hearing

- 1) Once the preliminary investigation has been concluded, the President of the State Court shall schedule the final hearing and summon the defendant, his defense counsel, and the representatives of the prosecution. The date of the final hearing shall be set so that the defendant, unless he himself requests an expedited proceeding, has at least four weeks to prepare his defense.
- 2) The final hearing may be closed to the public only if the security of the state is at risk.
- 3) The final hearing begins with the clerk reading the indictment.
- 4) If the defendant fails to appear at the final hearing or leaves the courtroom, the hearing may proceed and a decision rendered in his absence, or his appearance may be ordered, or the defendant may be prevented from leaving.

Art. 34

Decision

- 1) The State Court shall rule in its judgment whether the defendant is guilty of a violation of the Constitution or of a specifically designated law.

2) In the event of a conviction for an intentional violation of the Constitution or a specific law, the State Court may remove the defendant from office. The removal from office takes effect upon the pronouncement or service of the judgment.

3) If the defendant is convicted, the State Court shall, as a rule, also rule on any claims for compensation asserted and on the defendant's entitlement to salary, unless it intends to conduct separate proceedings on these matters.

4) A copy of the judgment, together with the reasons therefor, shall be sent to the State Parliament and the State Government.

H. Decisions in Disciplinary Matters

Art. 35

Disciplinary Complaint

The State Court of Justice shall rule on disciplinary complaints against its own judges. In cases under Art. 12(4), disciplinary complaints may be filed either by the Court, by the President, or by a judge himself.

Art. 36

Procedure

1) Disciplinary proceedings shall be initiated by a decision of the State Court following the hearing of the accused by the President or by the judge designated by him for that purpose.

2) Disciplinary proceedings are not public. In all other respects, the provisions governing the impeachment of ministers apply mutatis mutandis.

3) The disciplinary proceedings shall be discontinued if the person concerned has left office upon the expiration of the term of office or by resignation.

Art. 37

Decision

1) If the State Court finds the person concerned guilty of a disciplinary offense, he or she shall be removed from office.

2) The State Constitutional Court shall send a copy of the disciplinary judgment to the State Parliament and the Government.

III. Procedure

Art. 38

Principle

- 1) Unless this Act or the law applicable to the matter at hand contains specific procedural provisions, the provisions of the Act on General State Administration shall apply to proceedings before the State Court. The provisions of the Act on General State Administration concerning court recesses shall not apply to proceedings before the State Court.
- 2) The provisions of the Code of Civil Procedure apply *mutatis mutandis* to legal aid. Decisions are issued by the President.
- 3) Authorities that are parties to the proceedings shall have the rights to which the parties to the proceedings are entitled.

Art. 39

Jurisdiction

The State Constitutional Court exercises its jurisdiction *ex officio* at every stage of the proceedings.

Art. 40

Submissions

- 1) Submissions to the State Court must be made in writing. They must contain a statement of the facts on which the petition is based, as well as a specific and substantiated request.
- 2) Submissions must be filed in at least two copies; if parties or respondent authorities are involved, they must be filed in the corresponding number of copies.
- 3) Petitions that do not meet the statutory requirements shall, provided that such deficiencies can reasonably be remedied, be returned by the State Court to the petitioner for correction within a specified period. If this extended deadline is missed, the petition shall be deemed withdrawn.
- 4) Petitions must be submitted to the Government for forwarding to the State Court. They may also be filed directly with the State Court. Art. 41

Legal Representation

- 1) The parties may file individual complaints (Art. 15) themselves and participate in the hearing, or they may be represented by attorneys who are registered in the bar association or otherwise licensed by law or by government authorization to practice law in the Principality of Liechtenstein.

2) Parties represented by attorneys may participate in the hearing themselves and present their case. In cases of representation, service of process is made to the attorney.

Art. 42

Dismissal and Withdrawal

1) If, at any stage of the proceedings, it becomes apparent that a complainant has been satisfied, the proceedings shall be discontinued by order in a closed session after the complainant has been given the opportunity to be heard. The proceedings shall also be discontinued by order if a complaint is withdrawn or if it becomes apparent that the complaint is without merit.

2) Proceedings that have been discontinued may not be resumed. Art. 43

Dismissal

Petitions that are not suitable for hearing due to failure to meet a statutory filing deadline, or due to the obvious lack of jurisdiction of the State Court, or due to any other obvious defect in admissibility, shall be dismissed by order in a closed session without further proceedings.

Art. 44

Conduct of Proceedings and Reporting

1) The presiding judge shall assign any submissions received to a judge of the Court to prepare a factual report for the hearing and a proposal for a decision for deliberation.

2) The President issues procedural orders, orders any necessary preparatory investigations, and may grant the parties an opportunity to submit further statements and counter-statements within a period to be determined.

3) The Court shall decide on appeals against orders of the President. The appeal period is 14 days.

Art. 45

Legal and Administrative Assistance

All judicial and administrative authorities shall provide legal and administrative assistance to the State Court.

Art. 46

Hearing

1) The presiding judge shall order the hearing.

- 2) All parties and the authorities being sued must be summoned to the hearing. Their failure to appear shall not prevent the hearing from proceeding or a decision from being rendered.
- 3) A hearing that has been scheduled may be adjourned only for substantial reasons. The adjournment shall be ordered by the President until the hearing, or, if necessary, decided by the Court.
- 4) The Court may consolidate proceedings in the same matter for joint hearing and decision, or separate proceedings.
- 5) The presiding judge opens, conducts, and closes the hearing. He determines the order of presentations and requests to speak and maintains order in the courtroom. Art. 47

Publicity

- 1) Hearings before the State Court are public, subject to the following provisions.
- 2) The public shall be excluded in cases where it is excluded under the provisions of the Civil and Criminal Procedure Code, or if the Court, by order, excludes the public due to the legitimate interests of a party or for reasons of public safety and order.
- 3) An oral closing hearing shall not take place if a decision is to be rendered in a closed session or if, after hearing the reporting judge, the Court deems an oral hearing on the parties' submissions unnecessary.

Art. 48

Closing Proceedings

- 1) The hearing shall commence, after the case has been called, with a report on the facts of the case, the motions filed by the parties, and the results of the investigations conducted.
- 2) Submissions by the parties, statements, contested decisions, and essential documents shall be read aloud, unless the judges of the Court and the parties waive this upon becoming aware of them.
- 3) Decisions on motions and objections concerning the proceedings shall be made in closed session.
- 4) At the conclusion of the hearing, the presiding judge shall announce whether and on what date the decision will be pronounced, or whether it will be issued in writing by serving a copy.

5) Minutes shall be kept of the hearing. They shall include the name of the presiding judge, the judges of the court present, the parties appearing and their representatives, as well as the essential events of the hearing, in particular the motions filed by the parties. Separate minutes shall be kept of the closed-door deliberations and voting. Each record shall be signed by the presiding judge and the court clerk.

Art. 49

Deliberation and Voting

- 1) The deliberation begins with the presentation of the motion and the report of the judge-rapporteur, whereupon the exchange of views is initiated.
- 2) If it becomes apparent during the deliberation that reference must be made to facts that were neither the subject of the hearing nor established by the record, the Court may reopen the hearing to supplement the proceedings.
- 3) After the deliberations are concluded, a vote is taken. The President determines the questions and the order of voting. In the event of a disagreement, the Court decides. After the rapporteur, the judges cast their votes in order of seniority. The President votes last.
- 4) The decision is adopted by a majority vote. Abstentions are not permitted.
- 5) The deliberations and voting are not public. Art. 50

Decisions

- 1) The decisions of the State Court shall be rendered as judgments in the matter at hand, which are issued and executed “in the name of the Prince and the People,” and as rulings in all other cases. They shall be served on all parties to the proceedings.
- 2) Decisions of the State Court are final and enforceable upon service or pronouncement, unless otherwise specified.
- 3) Judgments shall be rendered in writing. They may be pronounced orally after the conclusion of the hearing and deliberation or on a specified date, stating the essential grounds for the decision. The pronouncement does not depend on the presence of the parties. Judgments pronounced orally shall be executed in writing and shall likewise contain a statement of the facts and the grounds for the decision.

4) Orders, unless they are of a procedural nature and are adopted and announced during the hearing, shall be issued in writing.

Art. 51

Reinstatement

1) An appeal for restoration (reinstatement to the previous status, reopening) may be filed against decisions of the State Court in accordance with the provisions of the Law on General State Administration; in the case of decisions on ministerial indictments, the relevant provisions of the Code of Criminal Procedure apply.

2) An appeal for restoration may be filed against orders of the State Court only if they are not of a procedural nature.

Art. 52

Suspensive Effect

1) Applications to the State Court have no suspensive effect.

2) The chairperson may, upon a party's request, grant suspensive effect to individual appeals (Art. 15) by way of a ruling, provided that no compelling public interests preclude this and that enforcement would result in a disproportionate disadvantage for the appellant.

3) Repealed

4) Repealed

Art. 53

Interim Measures

1) At the request of a party, the presiding judge may, under the conditions set forth in Art. 52(2), order such provisional measures as appear necessary to provisionally regulate an existing situation or to safeguard legal relationships at risk, for a period not exceeding the duration of the proceedings.

2) An appeal against an order for provisional measures shall have no suspensive effect. In all other respects, Art. 44(3) applies.

3) Repealed

Art. 54

Binding Nature of Decisions

The decisions of the State Constitutional Court are binding on all state and municipal authorities as well as all courts. In the cases provided for in Articles 19, 21, and 23, the

ruling of the State Constitutional Court has generally binding effect.

Art. 55

Enforcement and Execution

1) If decisions of the State Court are subject to enforcement, the provisions of the Act on General State Administration shall apply.

2) To the extent that decisions of the State Court determine monetary payments, costs, and fees, as well as reimbursement of costs, they constitute a title for enforcement in accordance with the provisions of the Enforcement Code.

Art. 56

Costs

1) Fees, hearing costs, and decision costs shall be determined in accordance with the provisions on court fees.

2) The State Court may declare costs and fees to be irrecoverable.

Art. 57

Publication of Decisions and Annual Report

1) Decisions of the State Court that are of fundamental importance shall be published in full or in part, provided they are not merely procedural in nature and publication does not conflict with the public interest or the protection of a party's rights.

2) At the end of each year, the State Court shall prepare a report on its activities and the legally significant experiences gained in the course thereof, and shall submit it to the State Parliament and the Government.

IV. Transitional and Final Provisions

Art. 58

Implementing Provisions

The government shall issue the regulations necessary for the implementation of this Act.

Art. 59

Repeal of Previous Laws The

following are repealed:

a) The Act of November 5, 1925, on the State Court, LGBL. 1925 No. 8;

- b) The Act of July 18, 1939, amending the Act on the State Court, LGBL. 1939 No. 11;
- c) Act of December 28, 1949, amending the Act on the State Court and the Act on General State Administration, LGBL. 1949 No. 24;
- d) Law of May 28, 1979, amending the Law on the State Court, LGBL. 1979 No. 34;
- e) Law of June 30, 1982, amending the Law on the State Court, LGBL. 1982 No. 57;
- f) Act of December 15, 1982, amending the Act on the Constitutional Court, LGBL. 1983 No. 10;
- g) Law of October 22, 1998, amending the Law on the State Court, LGBL. 1998 No. 215;
- h) Law of December 18, 1998, amending the Law on the State Court, LGBL. 1999 No. 46;
- i) Law of May 7, 1931, on disciplinary proceedings against members of the government, LGBL. 1931 No. 6.

Art. 60 Transitional Provisions

- 1) The provisions of this Act shall apply to proceedings pending at the time this Act enters into force, provided that this does not result in any diminution of rights.
- 2) The provisions regarding the appointment and term of office of the judges of the State Court shall enter into force upon the expiration of the term of office of the currently appointed members of the State Court.

Art. 61 Entry into

Force

This Act shall enter into force on the day of its promulgation.

Signed, Hans-Adam

IV. Administrative Penal Code (VStG)

of June 13, 2025

I hereby approve the following resolution adopted by the State Parliament:

I. Scope of Application and Definitions

Art. 1

Scope

- 1) This Act applies to proceedings in administrative criminal matters (administrative criminal proceedings) that are to be concluded by decisions or orders of authorities in the first instance or upon appeal.
- 2) It does not affect procedural provisions under special laws.
- 3) Unless otherwise provided in this Act, the provisions of the Act on General State Administration shall apply supplementarily.

Art. 2

References to Persons

The terms used in this Act to refer to persons shall be understood to include all persons regardless of their gender, unless the terms expressly refer to a specific gender.

Art. 3

Parties

The following are considered parties within the meaning of this Act:

- a) the accused person (Art. 26); and
- b) other natural and legal persons whose rights or obligations are to be affected by the decision or order; these persons have the rights of the accused in the proceedings, unless the nature of the matter dictates otherwise.

Art. 4

Authorities

For the purposes of this Act, the following are considered public authorities to the extent that they act as law enforcement authorities in administrative criminal proceedings:

- a) the government, as well as its subordinate agencies and special commissions;
- b) the competent bodies under the Municipal Act;

c) independent public-law corporations, institutions, and foundations.

II. General Provisions of Administrative Criminal Law

Art. 5

Competence

1) Unless otherwise provided by law, the authorities are responsible, within the scope of their first-instance activities, for investigating and punishing all administrative offenses falling within their jurisdiction.

2) If an administrative criminal matter overlaps with a judicial one, or if there is doubt as to whether a criminal matter should be resolved under the procedure set forth herein or under judicial proceedings, the determination of jurisdiction shall fall to the Regional Court.

3) Administrative criminal proceedings against all co-defendants shall, where possible, be conducted simultaneously. However, the authority may, for reasons of expediency—in particular to expedite the proceedings—refrain from conducting the proceedings jointly and conclude the proceedings against individual co-defendants separately. The proceedings may, insofar as they concern decisions on the rights or obligations of parties within the meaning of Art. 3(b), be conducted independently if this is provided for by law; this does not apply to cases of joint and several liability.

Art. 6

No Penalty Without Proceedings Under This Act

A penalty for an administrative offense may be imposed only on the basis of proceedings conducted in accordance with this Act.

Art. 7

General Conditions for Punishability

1) An act (action or omission) may be punished as an administrative offense only if it was punishable at the time it was committed.

2) The penalty shall be determined in accordance with the law in force at the time of the act, unless the law in force at the time of the decision would be more favorable to the offender in its overall effect.

3) In the case of legal entities, the bodies designated in the bylaws to represent the entity externally are liable under administrative criminal law. The liability of the individual body authorized to represent the entity exists regardless of the nature of the

Signing authority (individual or collective signing authority) and the number of bodies authorized to represent the association. The officers of the association are jointly and severally liable with the person penalized for fines and procedural costs imposed on the association through its bodies.

Art. 8

Principle of Territoriality

- 1) Only administrative offenses committed within the country are punishable.
- 2) An offense is committed within the country if the perpetrator acted or should have acted within the country, or if the result constituting the offense occurred within the country.
- 3) No one may be extradited to another state for an administrative offense, and a penalty imposed by a foreign authority for an administrative offense may not be enforced within the country, unless international treaties expressly provide otherwise. *Criminal Responsibility*

Art. 9

a) Principle

- 1) A person is not criminally liable if, at the time of the act, they were incapable of recognizing the wrongfulness of the act or of acting in accordance with that recognition due to a disturbance of consciousness, a pathological disturbance of mental activity, or mental deficiency.
- 2) If, at the time of the offense, the defendant's capacity was significantly impaired for any of these reasons, this shall be taken into account as a mitigating circumstance in determining the sentence. However, this does not apply to impairments of consciousness resulting from the defendant's own consumption of alcohol or the defendant's own use of any other intoxicating substance.

Art. 10

b) Persons Not Criminally Responsible and Juveniles

- 1) A person who has not yet reached the age of 14 at the time of the offense is not criminally liable.
- 2) If the offender was 14 but not yet 18 years of age at the time of the offense (juvenile), this shall not be held against him if, for special reasons, he was not yet mature enough to recognize the wrongfulness of the act or to act in accordance with that recognition.

3) If the offender is a juvenile, the maximum and minimum amounts of fines shall be reduced by half with respect to the applicable penalty range.

Art. 11

Culpability

1) Unless an administrative regulation regarding culpability provides otherwise, negligent conduct is sufficient to establish criminal liability. Sections 5 and 6 of the Criminal Code apply mutatis mutandis.

2) Ignorance of the administrative regulation that the offender has violated is an excuse only if it is proven to be through no fault of the offender and the offender could not have recognized the unlawfulness of his conduct without knowledge of the administrative regulation.

Art. 12

Excusatory Necessity

An act is not punishable if it is excused by necessity (Section 10(1) StGB) or, although it constitutes an administrative offense, is required or permitted by law.

Art. 13

Treatment of All Involved as Perpetrators

Anyone who intentionally causes another person to commit an administrative offense, or who intentionally facilitates another person's commission of an administrative offense, is subject to the penalty prescribed for that offense, even if the direct perpetrator is not criminally liable.

Art. 14

Attempt

1) If an administrative regulation expressly declares an attempt to commit an administrative offense to be punishable, a person who intentionally takes an action that would lead to the actual commission of the offense is subject to punishment.

2) No penalty shall be imposed for an attempt if the person voluntarily abandons or prevents the commission of the offense or averts its consequences.

Art. 15

Penalties

1) The type and severity of the penalty are determined by the administrative regulations.

2) Administrative offenses are punishable by a fine of up to 1,000 francs unless a specific penalty is prescribed.

3) In cases of negligence, if no specific penalty is prescribed, the upper limit of the prescribed penalty shall be reduced by half.

Art. 16

Imposition and Enforcement of Fines

1) For administrative offenses, a fine of at least 15 francs shall be imposed.

2) Fines may be collected only to the extent that such collection does not jeopardize either the necessary support of the person sentenced or of those whom the law requires the person to support, nor the fulfillment of the obligation to compensate for the damage.

3) The enforceability of the fine ceases upon the death of the person punished. Art.

17

Use of Fines

Fines shall accrue to the state. *Liability of legal entities* Art. 18

a) General Principle

1) This Act applies mutatis mutandis to proceedings concerning the liability of a legal entity, insofar as it is not exclusively applicable to natural persons and nothing to the contrary results from the following provisions.

2) Legal entities are:

a) legal entities registered in the commercial register, as well as legal entities that have neither their registered office nor a place of business or branch in Switzerland, provided that such entities would be required to be registered in the commercial register under Swiss law;

b) foundations and associations not registered in the commercial register, as well as foundations and associations that have neither their registered office nor a place of business or branch office in the country; and

c) public-law corporations and institutions.

3) The legal entity against which the proceedings have been initiated has the rights of the accused in these proceedings (Art. 26).

4) The managers of the legal entity, as well as those employees suspected of having committed the administrative offense, shall be summoned and examined as accused persons.

Art. 19

b) Legal Succession

1) If the rights and obligations of the legal entity are transferred to another legal entity by way of universal succession, the legal consequences provided for in this Act shall apply to the successor. Legal consequences imposed on the predecessor shall also apply to the successor. If service was validly effected on the legal entity, notification to the successor shall also be deemed to have been made.

2) Universal succession shall be treated as individual succession if the ownership structure of the legal entity remains essentially the same and the business or activities are essentially continued.

3) If there is more than one legal successor, a fine imposed on the legal predecessor may be enforced against any legal successor. Other legal consequences may be attributed to individual legal successors to the extent that this corresponds to their scope of activity.

Art. 20

c) Exclusion of Recourse

For sanctions and legal consequences imposed on the legal entity under this Act, recourse against decision-makers or employees is excluded.

Art. 21

Determination of Penalty

1) The basis for determining the penalty is the significance of the legal interest protected under administrative criminal law and the severity of its impairment by the offense.

2) In ordinary proceedings (Art. 40 et seq.), the aggravating and mitigating factors relevant to the purpose of the penalty must also be weighed against one another, to the extent that they do not already determine the penalty. Particular attention must be paid to the degree of culpability. Taking into account the specific nature of administrative criminal law, §§ 32 to 35 of the Criminal Code shall apply *mutatis mutandis*. The income and financial circumstances of the accused, as well as any dependents, must be taken into account when determining the amount of fines.

Art. 22

Extraordinary Mitigation of the Penalty

If the mitigating circumstances significantly outweigh the aggravating circumstances, the minimum penalty may be reduced by up to half.

Art. 23

Concurrence of criminal acts; penalty and sentencing in the case of a subsequent conviction

1) If a person has committed several administrative offenses of the same or different kinds through a single act or through several independent acts, and if judgment is rendered on these administrative offenses at the same time, a single penalty shall be imposed if the applicable laws provide for fines as penalties. This penalty shall be determined in accordance with the law that prescribes the highest penalty. Notwithstanding the extraordinary mitigation of the penalty (Art. 22), however, no penalty less than the highest of the minimum penalties provided for in the applicable laws may be imposed.

2) The same applies in cases where administrative offenses or criminal acts subject to punishment by more than one administrative authority or the Regional Court occur concurrently. The accused person must be informed by the prosecuting administrative authority of the provision in paragraph 1 and requested to disclose any convictions by other administrative authorities that are relevant to the application of these provisions.

3) If a person who has already been punished by a court or an administrative authority is punished for another offense that could have been adjudicated in the earlier proceedings after the time of its commission, an additional penalty shall be imposed, even if joint punishment was not possible due to lack of jurisdiction. In all other respects, Sections 31 and 40 of the Criminal Code shall apply *mutatis mutandis* to the penalty and the determination of the penalty in the event of a subsequent conviction.

III. Administrative Penal Proceedings

A. General Provisions

Art. 24

Ex officio principle and duty to report

1) Administrative offenses shall be prosecuted *ex officio*.

2) Circumstances exonerating the accused must be taken into account in the same manner as incriminating circumstances.

3) If a government agency becomes aware of a suspected administrative offense that is subject to ex officio prosecution, it is required to report it to the competent authority.

Art. 25

Statute of Limitations

1) Prosecution of a person is inadmissible if no prosecutorial action (Art. 26(2)) has been taken against them within a period of one year; longer periods provided for by special laws are reserved. This period shall be calculated from the time at which the criminal activity was completed or the criminal conduct ceased; if the result constituting the offense occurred only later, the period shall not begin to run until that time.

2) A penalty may no longer be enforced if three years have elapsed since it became final. The following periods are not included in the statute of limitations:

- a) the duration of proceedings before the State Court or the EFTA Court;
- b) periods during which the enforcement of the sentence was prohibited, suspended, deferred, or interrupted;
- c) periods during which the convicted person was abroad. Art. 26

Accused Person

1) A person is considered an accused person from the time of the first prosecutorial act directed against them by the authority until the conclusion of the administrative criminal proceedings.

2) A prosecutorial act is any official act taken by an authority against a specific person as an accused person (summons, order to appear, interrogation, request for interrogation, consultation, penalty order, and the like), even if the authority was not competent to perform that official act, the official act did not achieve its purpose, or the accused person was not aware of it.

Art. 27

Defense Counsel

Accused persons have the right, at any stage of the proceedings, to contact a defense attorney, retain their services, and consult with them

without being monitored. Any person with legal capacity, in particular a lawyer registered in the bar association, may be appointed as a defense counsel.

Art. 28

Interrogation

1) At the start of their first interrogation, every accused person shall be questioned regarding their first and last names, date and place of birth, nationality, marital status, occupation, and place of residence, as well as their income and financial circumstances and any parental responsibilities. If this information is already contained in the case file, it shall be presented to the accused for confirmation or correction.

2) The accused person shall be informed, if necessary with the assistance of an interpreter, in a language they understand, of:

- a) the charges against them and their right to make a statement or to remain silent;
- b) the right to have a defense attorney;
- c) the possibility of waiving the right to legal counsel, the possible consequences of such a waiver, and the possibility of revoking the waiver at any time during the administrative criminal proceedings.

3) A waiver pursuant to paragraph 2(c) must be given voluntarily and unequivocally. The provision of information and any waiver of the right to have a defense counsel present must be recorded in writing.

4) The accused person may not be compelled to answer the questions put to them. They may not be coerced or induced to make statements through coercive measures, threats, promises, or false representations. It is not permissible to ask questions in which a fact that has not been admitted is assumed to have already been admitted. Questions that present circumstances to be established only through the answer may be asked only if the person being questioned could not otherwise be led to provide an explanation regarding those circumstances; in such cases, the questions must be recorded verbatim in the minutes. The accused person may not be compelled by coercive measures to surrender objects related to the offense or evidence.

5) The record must be signed by the accused and by the person conducting the interrogation.

Art. 29

Consultation

- 1) If the authority finds that an offense has been committed and the significance of the legal interest protected under administrative criminal law, as well as the severity of the harm caused by the act and the culpability of the accused, are minor, the authority shall advise the accused person with the aim of bringing the criminal conduct or activities to an end as effectively as possible and shall request in writing, stating the established facts, that the accused person restore compliance with administrative regulations and official orders within a reasonable period of time.
- 2) If the written request is complied with within the period set or extended by the authority, further prosecution of a person for those offenses regarding which compliance with the legal provisions and official orders has been restored is inadmissible.
- 3) The severity of the infringement of the legal interest protected under administrative criminal law is in any case not minor if the violation has had adverse effects on persons, property, or public order—in particular the stability of the financial market—or if such effects are to be expected even if the criminal conduct or activities last only a short time.
- 4) The severity of the infringement of the legal interest protected under administrative criminal law shall in any case be deemed minor if only minor deviations from technical specifications have been identified and none of the circumstances listed in paragraph 3 apply.
- 5) Paragraphs 1 and 2 shall in any case not apply to:
 - a) Violations of administrative regulations that require intentional conduct to be punishable;
 - b) Violations that, within the three years prior to the determination of the violation, were already the subject of a consultation and a written request by the authority, or for which relevant, as yet unpaid administrative penalties are on record with the authority;
 - c) Violations that give rise to provisional coercive and protective measures provided for in the administrative regulations;

d) Violations for which the administrative regulations provide for the measure of revocation of authorizations.

Art. 30

Temporary Refrain from Initiating or Continuing Administrative Penalty Proceedings

1) The authority may provisionally refrain from initiating or continuing administrative penalty proceedings as long as criminal prosecution:

- a) is not expected to be possible; or
- b) is likely to entail an effort that would be disproportionate in relation to the significance of the legal interest protected under administrative criminal law and the severity of its impairment by the act, unless special public interests require the initiation or continuation of administrative criminal proceedings.

2) If there is a material change in the circumstances relevant to the assessment under paragraph 1, administrative criminal proceedings shall be initiated or continued. Art. 31

Access to Files

1) The parties may inspect the files pertaining to their case at the authority's offices and may make copies of files or parts thereof on the spot or have copies or printouts made at their own expense. To the extent that the authority maintains the files pertaining to the case electronically, the party may, upon request, be granted access to the files in any technically feasible form.

2) All parties involved in a proceeding must be granted access to the files to the same extent upon request.

3) Excluded from access to the files are those parts of the files whose inspection would harm the legitimate interests of a party or third parties, jeopardize the authority's duties, or impair the purpose of the proceedings.

4) A fee shall be charged for copies, photocopies, and printouts. The government shall determine the amount of the fee by regulation.

5) Requests for access to files shall be decided by a procedural ruling issued to the party to a pending proceeding.

B. Safeguarding of Administrative Penal Proceedings and the Enforcement of Administrative Penalties

Art. 32

Identification

The State Police is authorized to establish a person's identity if that person is apprehended in the act or immediately thereafter, either on credible suspicion of having committed the offense or in possession of items indicating their involvement in the offense. Section 91a of the Code of Criminal Procedure applies mutatis mutandis.

Arrest

Art. 33

a) Principle

Except in cases specifically regulated by law, the State Police may arrest persons caught in the act for the purpose of bringing them before the authorities if:

- a) the person apprehended is unknown to the State Police, does not provide identification, and their identity cannot otherwise be immediately established;
- b) there is reasonable suspicion that they will attempt to evade criminal prosecution; or
- c) the person apprehended persists in committing the criminal act or attempts to repeat it despite a warning.

Art. 34

b) Rights of the Arrested Person

- 1) Any person who has been arrested must be handed over to the competent authority without delay or, if the grounds for the arrest have already ceased to exist, released. The authority must question the detained person without delay. If the person has exercised their right to have a defense counsel present, the questioning must be postponed until the defense counsel arrives, unless this would pose a significant risk to the investigation or compromise evidence; any such restriction on the right to have a defense counsel present must be recorded in writing. Detention may under no circumstances exceed 24 hours.
- 2) During arrest and detention, human dignity must be respected and the person must be treated with the greatest possible consideration.
- 3) The arrested person must be permitted, without undue delay, to notify a relative (Art. 47, para. 2) or another person of their choice and a defense attorney; the arrested person must be

. A detained person who is not a Liechtenstein citizen shall also be permitted to notify the consular representation of their home country of the detention without delay and to contact it. If there are concerns regarding notification by the detained person themselves, the authority shall carry out the notification.

4) The detained person may receive visits from relatives (Art. 47(2)), from their defense counsel, and from the diplomatic or consular representatives of their home country. Articles 76 through 88 of the Penitentiary Act apply *mutatis mutandis* to correspondence and visits.

Art. 35

c) Legal Information

The accused person shall be informed in writing, immediately upon or shortly after their arrest, in a language they understand, of the reasons for their arrest and the charges against them, of their right to access the case file, of other essential rights in the proceedings, and of their right to receive urgent medical care. If the written information is not available in a language the accused understands, it must be provided orally with the assistance of an interpreter, and a written translation must be provided to the accused. The fact that this information was provided must be recorded in writing.

Art. 36

Seizure

1) All items subject to forfeiture, confiscation, or a similar measure, or serving as evidence, with the exception of letters and parcels with a delivery service, shall be seized.

2) The order for seizure shall be issued by the competent authority. In cases of imminent danger, the State Police may provisionally secure such items on its own authority. It must immediately issue a written notice to the affected person and report the matter to the authority.

3) The authority may, instead of ordering a seizure—provided the seizure is not for evidentiary purposes—order the payment of a sum of money corresponding to the value of the item subject to seizure.

4) The seizure must be lifted as soon as the conditions for it no longer apply.

- 5) If the seized items are perishable or can be stored only at disproportionate cost, and if their storage is not necessary to preserve evidence, they may be sold at public auction or disposed of at a price to be determined by the authority. The proceeds shall take the place of the sold items. The sale due to disproportionate storage costs shall not take place if an amount sufficient to cover these costs is deposited in a timely manner.
- 6) An appeal against a decision under paragraph 1 shall have no suspensive effect.

Art. 37

Security

- 1) The authority may, by decision, order the accused person to post an appropriate amount as security or to provide security through the creation of a lien or by suitable sureties who undertake to pay, if:
- a) there is reasonable suspicion that the accused person will evade administrative criminal prosecution or enforcement; or
 - b) otherwise:
 - 1. administrative criminal prosecution or enforcement is not likely to be possible; or
 - 2. the administrative prosecution or enforcement is likely to entail an effort that would be disproportionate in relation to the significance of the legal interest protected under administrative criminal law and the intensity of its impairment by the act.
- 2) The security deposit may not exceed the maximum amount of the fine imposed. If the security deposit is not provided immediately, the authority may seize property that appears to belong to the accused and that can be used as security; the value of such property shall not exceed the permissible amount of the security deposit.
- 3) Appeals against decisions under paragraphs 1 and 2 have no suspensive effect.
- 4) The security is released when the proceedings are discontinued or the penalty imposed on the accused has been served. The property seized as security is also released if the accused

or otherwise secured, or if a third party establishes a credible claim to the property.

5) The security shall be forfeited as soon as it is established that administrative criminal prosecution or enforcement is not possible.

6) The forfeited security shall first be used to cover any fines imposed, followed by the costs of the administrative penalty proceedings, as well as the costs of safekeeping and disposal. Any remaining balance after these amounts have been deducted shall be returned to the accused. In all other respects, the same provisions apply to the use of the forfeited security as to fines.

Art. 38

Collection of a Provisional Security Deposit

1) The State Police may, without prejudice to special authorizations in other administrative regulations, collect a provisional security deposit from persons caught in the act if:

a) the person caught is unknown to the State Police, does not provide identification, and their identity cannot otherwise be immediately established;

b) there is reasonable suspicion that the person caught in the act will attempt to evade administrative prosecution; or

c) otherwise:

1. administrative criminal prosecution or enforcement could be significantly impeded; or

2. administrative prosecution or enforcement could entail an effort that would be disproportionate in relation to the significance of the legal interest protected under administrative criminal law and the severity of its impairment by the offense.

2) The provisional security deposit may not exceed the maximum amount of the threatened fine.

3) If, in the case of paragraph 1(c), the person subject to the order fails to provide the provisional security, the State Police may provisionally seize realisable property that appears to belong to the person subject to the order and whose value does not exceed the maximum amount of the threatened fine.

4) A certificate regarding the provisional security must be issued immediately. The provisional security must be submitted to the competent authority together with the report without delay.

5) The provisional security deposit is released when the proceedings are discontinued or the sentence imposed on the accused has been served.

Art. 39

Use of Force

The State Police is authorized to use proportionate and appropriate coercive measures in accordance with Art. 27 et seq. of the Police Act to enforce the powers granted to it under this Act.

C. Ordinary proceedings

Art. 40

Right to a Hearing

1) Unless the authority refrains from prosecution based on the complaint or the investigations conducted (Art. 51), it must give the accused person an opportunity to defend themselves.

2) The authority may:

- a) request that the accused person defend themselves in writing by a specified date or appear for questioning at a specified time; or
- b) summon the accused for questioning and, in such a case, conduct an oral hearing.

3) In any case, the accused must be informed of their right to have a defense counsel of their choice present during the questioning.

Art. 41

Request

1) The summons pursuant to Article 40(2)(a) must include:

- a) a clear description of the offense with which the accused person is charged, as well as the applicable administrative regulation;
- b) a request to defend oneself either in writing within the set time limit or orally at the time scheduled for the hearing, and to disclose to the authority the facts and evidence relevant to the defense; otherwise, the authority will conduct the administrative penalty proceedings without a hearing.

2) The request under paragraph 1 must be served personally. Art. 42

Summons

1) A summons pursuant to Art. 40(2)(b) is a request to appear in person before an authority.

2) The summons must contain:

a) a clear description of the offense with which the accused person is charged, as well as the applicable administrative regulation;

b) a request to present facts in support of the defense and to bring evidence in support of the defense, or to notify the authority of such evidence in a timely manner so that it can be obtained in time for the hearing.

3) The summons may also contain a warning that, if the accused person fails to comply with the summons without just cause, the administrative penalty proceedings may be conducted without hearing the accused. This legal consequence may only occur if it is threatened in the summons and if the summons has been served on the accused person personally.

4) The parties must be summoned in sufficient time so that they have at least 14 days from the date of service of the summons to prepare.

5) Anyone who is not prevented from appearing by illness, disability, or other justified impediments is obligated to comply with the summons and may be brought before the court to fulfill this obligation. Such bringing before the court is permissible only if it was threatened in the summons.

Art. 43

Consequences of the Summons

1) If the accused person is summoned to appear before the adjudicating authority for questioning or is brought before it, the administrative criminal proceedings shall be conducted in an oral hearing.

2) The accused may bring a person of their choice who is not involved in the matter to the oral hearing.

3) If the accused has retained a defense counsel during the interrogation, the defense counsel may participate in the interrogation by asking the accused supplementary questions or making statements after the interrogation has concluded or following thematically related sections. During the interrogation, the accused may not consult with the defense counsel regarding answers to individual questions.

Art. 44

Oral Hearing

1) If an oral hearing is held, it must be conducted with the participation of the parties and their representatives, as well as the necessary witnesses and experts; if the hearing involves an on-site inspection, it must be held on site whenever possible, or otherwise at the authority's headquarters or at the location deemed most appropriate under the circumstances. When selecting the venue for the hearing, provided that the oral hearing does not involve an on-site inspection, care must be taken to ensure that it is safe for persons with physical disabilities and, as far as possible, accessible without assistance from others.

2) The presiding officer has the following duties and powers:

a) They must verify the identity of those present and examine their status as parties or other participants, as well as any authority to represent them.

b) They open the hearing and state its purpose. They may divide the hearing into sections and establish a schedule. They determine the order in which the parties are to be heard, the evidence is to be taken, and the results of previously taken evidence or investigations are to be presented and discussed. They rule on motions for evidence and must reject motions that are manifestly irrelevant. The judge also has the authority to interrupt or adjourn the hearing as necessary and to set the date for the resumption of the hearing orally.

c) It shall conduct the hearing expeditiously, always bearing in mind its purpose, in such a manner that the parties' right to be heard is safeguarded, while other participants are given the opportunity to contribute to the determination of the facts. Persons not involved in the matter may not speak during the hearing.

d) In particular, it must afford each party the opportunity to present and substantiate all relevant points, to question the witnesses and experts present, and to comment on the facts presented by other parties, witnesses, and experts, or treated as self-evident, as well as on the motions filed by others and on the results of official investigations.

Art. 45

General Principles of the Taking of Evidence

Unless otherwise provided in this Act, the following provisions of the Code of Criminal Procedure shall apply mutatis mutandis to the taking of evidence:

- a) Sections 145 through 156 of the Code of Criminal Procedure (examination of the accused);
- b) § 23a of the Code of Criminal Procedure (Use of an interpreter for the examination of the accused);
- c) Sections 105 through 124 of the Code of Criminal Procedure (examination of witnesses);
- d) Sections 69 through 79 of the Code of Criminal Procedure (inspection of the scene and expert witnesses). Art. 46

Documents

- 1) The probative value of public and private documents shall be assessed by the authority pursuant to § 88 of the Code of Criminal Procedure.
- 2) Section 63 of the Code of Criminal Procedure applies mutatis mutandis to the translation of a document.

Art. 47

Witnesses

- 1) The accused person's relatives, the persons entrusted with their care, their guardian, and their power-of-attorney representative after the power of attorney takes effect are exempt from the duty to testify.
- 2) Relatives within the meaning of paragraph 1 are:
 - a) the spouse;
 - b) relatives in the direct line and relatives in the second, third, and fourth degrees of the collateral line;
 - c) relatives by marriage in the direct line and relatives by marriage in the second degree in the collateral line;
 - d) adoptive parents and adoptive children, as well as foster parents and foster children;
 - e) persons living together in a de facto domestic partnership, as well as the children and grandchildren of one of these persons in relation to the other person; and
 - f) persons living in a registered partnership.
- 3) Paragraph 2(c) applies mutatis mutandis to persons living in a registered partnership.
- 4) A person's status as a relative, established by marriage, de facto cohabitation, or registered partnership, remains in effect even if the marriage, cohabitation, or registered partnership no longer exists.

Art. 48

Protocol

1) The minutes of the oral proceedings shall contain:

- a) the authority;
- b) the first and last names, date and place of birth, nationality, marital status, occupation, and place of residence of the accused person;
- c) the name of any defense counsel for the accused;
- d) a clear description of the offense with which the accused is charged;
- e) the essential statements of the witnesses and experts and the other findings of evidence;
- f) the accused's defense or confession.

2) All information in the record shall be drafted as concisely as possible. If the information specified in paragraph 1, letters b through e, is already recorded in writing in the case file, a brief reference to the relevant documents in the file shall suffice.

3) The recording of the minutes referred to in paragraph 1 may be omitted if the accused:

- a) has unjustifiably failed to comply with a summons issued pursuant to Art. 42, para. 3, or a request for justification issued pursuant to Art. 41, letter b, and the proceedings are conducted without hearing the accused, provided that no other examinations take place in this hearing. In this case, a note must be made in the record regarding the fact that the summons or request for justification was issued;
- b) makes a full confession before the adjudicating or requested authority and no further evidence is taken. In this case, the confession and the date of the hearing must be recorded in writing or, provided the requirements are met, the provisions on voluntary submission (Art. 56 and 57) must be followed.

4) The minutes shall be signed by the presiding officer. Art. 49

Ruling

Unless the decision is to dismiss the case, the judgment shall contain:

- a) the act deemed proven;
- b) the administrative regulation that was violated by the offense;
- c) the penalty imposed and the applicable legal provision;

~~(VStG)~~

d) any ruling regarding confiscation, forfeiture, or a similar measure;

e) in the case of a penal decision, the ruling on costs. Art. 50

Instruction regarding the right to be represented by a public defender

Every decision must include a statement regarding the accused person's right to be represented by a public defender in appeal proceedings (Art. 70).

Art. 51

Dismissal

1) The authority shall refrain from initiating or continuing administrative penalty proceedings and shall order the dismissal of the case if:

a) the act attributed to the accused cannot be proven or does not constitute an administrative offense;

b) the accused did not commit the administrative offense with which they are charged, or circumstances exist that negate or exclude criminal liability;

c) there are circumstances that preclude administrative criminal prosecution;

d) the significance of the legal interest protected under administrative criminal law and the extent to which it has been infringed by the act and the culpability of the accused are minor;

e) administrative prosecution is not possible;

f) administrative prosecution would entail an effort that would be disproportionate in relation to the significance of the legal interest protected under administrative criminal law and the extent to which it was infringed by the act.

2) Instead of ordering the dismissal of the case, the authority may, in the case referred to in paragraph 1(d), issue a warning to the accused person pointing out the unlawfulness of their conduct if this appears necessary to deter them from committing criminal acts of the same nature.

3) If the case is dismissed, a note in the record stating the grounds for dismissal is sufficient, unless a party has the right to appeal the dismissal or a decision must be issued for other reasons. Unless the dismissal is issued by way of a decision, the accused person must be notified of the dismissal if, based on the contents of the record, the accused was aware of the suspicion against them.

Art. 52

Written Copy of the Decision

- 1) A copy of the decision shall be served ex officio on the parties entitled to appeal the decision if the decision has not been announced to them orally. Otherwise, a written copy shall be served only upon the request of a party.
- 2) The written copy of the decision must contain:
 - a) the heading “Criminal Decision”;
 - b) the authority issuing the decision;
 - c) the first name, last name, and place of residence of the accused person;
 - d) the verdict (Art. 49);
 - e) the grounds for the decision;
 - f) information on the right to appeal;
 - g) the notice regarding the right to be represented by a public defender (Art. 50);
 - h) the date of the decision.

D. Summary proceedings

Art. 53

Penalty Order

- 1) If an administrative offense is reported by another authority or a court based on its own official findings, or if the investigations conducted are sufficient to assess all circumstances relevant to the decision, the authority may impose the penalty by means of a penalty order without prior ordinary administrative penalty proceedings. The penalty order may also include a ruling on confiscation, forfeiture, or a similar measure.
- 2) If the penalty order imposes only a fine of no more than 5,000 Swiss francs, only an appeal is admissible instead of an objection. Art. 54

Contents of the penalty order

The penalty order must specify:

- a) the heading “Penalty Order”;
- b) the authority issuing the penalty order;

- c) the first name, last name, and place of residence of the accused person;
- d) the act deemed to have been proven, as well as the time and place of its commission;
- e) the administrative regulation that was violated by the act;
- f) the penalty imposed and the applicable legal provision;
- g) any order regarding confiscation, forfeiture, or a similar measure;
- h) the ruling on the costs to be reimbursed by the accused;
- i) the information regarding the objection (Art. 55) or the appeal (Art. 53, para. 2). Art. 55

Objection

- 1) The accused may file a written objection to the penalty order within 14 days of its service, presenting evidence in support of their defense. The objection must be filed with the authority that issued the penalty order.
- 2) If the objection is filed in a timely manner and is not withdrawn within 14 days, the ordinary proceedings are deemed to have been initiated. If the objection expressly challenges only the severity of the penalty imposed or the decision on costs, the authority that issued the penalty order must rule on the matter. In all other cases, the appeal renders the entire penalty order void, provided it is not withdrawn within 14 days.
- 3) If the objection is not filed, is not filed in a timely manner, or is withdrawn, the penalty order must be enforced.

Submission

Art. 56

a) Admissibility, Purpose, and Effect

- 1) Submission may take place if:
 - a) an adult accused person or their representative admits, before the competent authority, to an administrative offense—including the facts of the case—without reservation and in a credible manner, either before or during the issuance of a penalty order, or before or during the regular administrative penalty proceedings until the first-instance penalty decision is issued, and the facts of the case, the question of guilt, and the issue of punishment appear sufficiently clarified to the competent authority;
 - b) the administrative offense is punishable only by a fine; and

c) the accused person submits to the terms of the submission protocol, waiving the right to a penalty decision or penalty order and the right to challenge it. The application for submission may be filed only once by the same accused person in an administrative penalty matter.

2) If the conditions under paragraph 1 are met, the fine, any amount of revenue, and the costs and fees of the proceedings must be precisely recorded in the protocol with the note that the monetary amounts are to be paid immediately, or, subject to precautionary measures (Art. 36 and 37), a reasonable deadline must be set within which they are to be paid.

3) If the accused person pleads guilty, the fine may, upon request or ex officio, be reduced by the authority to no more than one-quarter of the statutory penalty.

4) The monetary amounts legally determined and acknowledged in the record of admission may be enforced in accordance with the provisions governing the enforcement of penalties. Such a penalty may not be taken into account in subsequent proceedings.

5) Articles 66 and 67 apply mutatis mutandis to the retrial, which may be initiated either upon request or ex officio. If the outcome of a retrial exonerates the accused, any sums already paid must be refunded.

Art. 57

b) Statement of Submission

1) The protocol of submission must specify:

a) the authority that records the statement of submission;

b) the first name, last name, and place of residence of the accused person;

c) the date and place of the hearing;

d) the offense deemed proven, as well as the time and place of its commission;

e) the administrative regulation that was violated by the act;

f) the penalty imposed and the applicable legal provision;

g) an explicit declaration of submission by the accused person in which they admit to the violation of the administrative regulation, acknowledge the penalty imposed on them and the resulting consequences, and at the same time waive the

issuance of a penalty order or a penalty decision, as well as waives the right to challenge them;

h) where applicable, the ruling on the costs to be reimbursed by the accused;

i) the signatures of the presiding officer and the accused person.

2) If the statement of acceptance was taken in the absence of the accused person, it must be served on them with the following additional notice:

a) The accused may accept the terms by signing and returning the acceptance protocol to the authority within 8 days of its service.

b) If the accused fails to accept the terms of the agreement as described in subparagraph (a), the agreement shall be deemed a penalty order, and an objection may be filed against it within 14 days of its service in accordance with Article 55.

IV. Legal Remedies

A. Appeals

Art. 58

General Principles of Appeals

1) The parties have the right to file an appeal. The court of first appeal must give the authority that issued the decision at first instance the opportunity to submit its comments.

2) A separate appeal is not admissible against procedural decisions. Such decisions may only be challenged in the appeal against the decision resolving the merits of the case.

3) Appeals in administrative criminal proceedings may also be filed orally and, in such cases, do not require a written statement of grounds. However, the authority must record the party's reasons for filing the appeal in the minutes.

4) A decision on an appeal may not impose a higher penalty than the decision of the court of first instance.

Art. 59

Appellate Instances and Levels of Appeal

1) An appeal against decisions of an authority, with the exception of the Government, may be lodged within 14 days of service with an appeals commission established pursuant to Art. 78(3) of the State Constitution.

2) An appeal against decisions of the Government or an appeals commission may be lodged with the Administrative Court within 14 days of service.

Art. 60

Suspension of appeal periods

Between December 24 and January 6, the running of the time limit for appeals is suspended. The remaining portion of the time limit begins to run again on January 7. If the start of a time limit falls within the period between December 24 and January 6, the time limit begins to run on January 7.

B. Appeal Proceedings

Art. 61

Hearing

1) The appellate court must hold an oral hearing if:

a) it deems it necessary for an exhaustive discussion and thorough assessment of the matter; or

b) the accused person requests it.

2) No oral hearing shall take place if:

a) the motion or appeal of a party is to be dismissed; or

b) it is already clear from the record that the decision challenged by the appeal must be set aside.

3) Procedural decisions may be made without a prior oral hearing.

4) Sections 181 through 181d of the Code of Criminal Procedure apply mutatis mutandis to the public nature of oral proceedings before the appellate courts.

5) The parties must be summoned to the hearing in sufficient time to allow them at least 14 days from the date of service of the summons to prepare for the hearing.

6) It is permissible to conduct the hearing jointly in different proceedings if this is appropriate due to the factual connection between the administrative offenses underlying the proceedings.

Art. 62

Conduct of the Hearing

1) The hearing begins with the calling of the case. Witnesses must then leave the hearing room.

2) If a party fails to appear despite having been duly summoned, this shall not prevent the hearing from proceeding or a decision from being rendered.

3) At the beginning of the hearing, the subject matter of the hearing shall be identified and the course of the proceedings to date shall be summarized. The parties shall then be given the opportunity to make statements.

Art. 63

Taking of Evidence

1) The appellate body shall take the evidence necessary to decide the case.

2) In addition to the presiding judge and the other members of the appellate court, the parties and their representatives, in particular the accused, are entitled to ask questions of any person being examined. The presiding judge shall grant them the floor for this purpose. He may reject questions that do not serve to clarify the facts of the case.

3) Transcripts of the examination of the accused or of witnesses, as well as the expert opinions of the experts, may only be read aloud if:

a) the persons examined have died in the meantime, their whereabouts are unknown, or their personal appearance cannot be required due to their age, illness, or infirmity, or because they reside far away, or for other compelling reasons;

b) the persons examined during the oral proceedings deviate from their previous statements on key points;

c) witnesses, without being entitled to do so, or accused persons refuse to testify; or

d) all parties present agree.

4) Other evidence, such as on-site photographs, photos, or documents, must be presented to the accused. The accused must be given the opportunity to comment on them.

Art. 64

Conclusion of the Hearing

1) The proceedings shall be concluded in a single hearing whenever possible. If it proves necessary to examine the accused who has failed to appear at the hearing or to take further evidence, the hearing shall be adjourned.

- 2) If the case is ready for a decision, the taking of evidence shall be closed.
- 3) After the taking of evidence has been concluded, the parties shall be given the opportunity to present their closing statements. The accused has the right to speak last. The minutes shall be signed by the presiding judge.
- 4) The hearing shall then be closed. Art. 65

Written copy of the decision

The decision shall be issued in writing and shall contain:

- a) the name of the appellate body rendering the decision;
- b) the first name, last name, and place of residence of the accused person;
- c) the ruling (Art. 49);
- d) the grounds for the decision;
- e) information on the right to appeal;
- f) the date of the decision.

C. Other amendments to decisions

Art. 66

Ex officio reopening

- 1) Criminal decisions and orders that are not subject to appeal or are no longer subject to appeal, and which manifestly violate the law to the detriment of the person punished, may be set aside or amended by the first-instance authority through ex officio reopening of the case.
- 2) The consequences of the punishment must be remedied.

Art. 67

Reopening at the Request of a Party

- 1) Unless otherwise provided below, Sections 272 and 278 of the Code of Criminal Procedure apply mutatis mutandis to the reopening of proceedings at the request of a party.
- 2) The court of first instance shall decide on the admissibility of a motion under paragraph 1.
- 3) An appeal may be filed against the denial of a motion for retrial.

4) A retrial is admissible against final criminal judgments and criminal orders.

5) The consequences of the punishment must be remedied.

Art. 68

Reopening of proceedings to the detriment of the accused

The reopening of administrative criminal proceedings concluded by dismissal is admissible to the detriment of the accused only within the time limit specified in Art. 25(1) and for the reasons listed in § 271(1) of the Code of Criminal Procedure.

Art. 69

Restoration of rights against the expiration of time limits

1) Section 282 of the Code of Criminal Procedure applies mutatis mutandis to reinstatement against the expiration of time limits.

2) The competent appellate court shall decide on the admissibility of reinstatement.

D. Legal aid

Art. 70

Appointment of a legal aid attorney

1) If the accused is unable to bear the full costs of the appeal proceedings before the appellate courts without compromising the basic means of subsistence necessary for a modest standard of living for themselves and their family, for whose support they are responsible, the first appellate court shall, upon the accused person's request, order that a defense counsel be appointed to the accused person, the costs of whom the accused person need not bear, or need bear only in part, if and to the extent that this is necessary in the interest of the administration of justice, particularly in the interest of an effective defense (defense counsel appointed for legal aid); the application shall, if possible, be accompanied by a statement of financial circumstances pursuant to § 66 (1) to (3) of the Code of Civil Procedure. The appointment of a defense counsel is in any case necessary in this sense:

- a) for the filing of the appeal and for the public hearing on the appeal;
- b) if the accused person is blind, deaf, mute, otherwise disabled, or lacks sufficient knowledge of the language and is therefore unable to defend themselves;
- c) in cases involving complex factual or legal issues.

2) If a defense counsel is appointed by the court of first appeal, that appointment shall also apply before the court of second appeal, unless the court of first appeal orders otherwise in specific terms.

3) In all other respects, Sections 26a through 26g of the Code of Criminal Procedure apply *mutatis mutandis*.

4) Paragraphs 1 through 3 and § 63(2) of the Code of Civil Procedure apply *mutatis mutandis* to legal entities.

V. Enforcement of Sentences

Art. 71

Competent Authority

All orders and decisions relating to the enforcement of fines or other monetary penalties shall be the responsibility of the court of first instance.

Art. 72

Enforcement of Fines

Fines or other monetary penalties that have become final must be paid within 14 days of becoming final. If payment is not made within this period, the claim shall be enforced in accordance with the provisions of the Enforcement Code.

VI. Extinction of Criminal Liability, Special Procedural Provisions, and Procedural Costs

A. Extinction of

Offenses Art. 73

Principle

1) Unless otherwise provided by law, a penalty imposed for an administrative offense does not entail any criminal consequences and is deemed to have been expunged five years after it becomes final.

2) Extinguished administrative penalties may not be mentioned in official records for the purposes of criminal proceedings and shall not be taken into account when determining the penalty in administrative penalty proceedings.

B. Special Provisions for Minors

Art. 74

Involvement of the Office of Social Services and Youth Welfare Institutions

In administrative criminal proceedings against juveniles, the authorities shall, whenever possible, seek the assistance of the Social Services Office, as well as of individuals and organizations active in youth welfare who make themselves available to the authorities. Such assistance may consist, in particular, of investigating the juvenile's personal circumstances, providing care for the juvenile, and offering the support the juvenile requires during the proceedings.

Art. 75

Notification of the Legal Representative

- 1) If the authority deems it necessary or appropriate in the interest of a juvenile accused person, it shall notify the juvenile's known legal representative of the initiation of administrative criminal proceedings and of criminal decisions and orders.
- 2) When a juvenile is questioned by the state police or interviewed by the authorities on suspicion of an administrative offense, a legal representative, a parent or guardian, or a representative of the Social Services Office must be present at the juvenile's request, provided that this does not result in an unreasonable prolongation of the detention.
- 3) A juvenile accused person may bring two persons of their choice who are not involved in the case to oral proceedings.
- 4) Juvenile accused persons must be informed of their right under paragraph 2 after arrest and of their right under paragraph 3 in the summons.

Art. 76

Rights of the Legal Representative

The legal representative of a juvenile accused person has the right, even against the will of the accused person, to submit motions for evidence in the accused person's favor and, within the time limit available to the accused person, to file appeals, motions for reinstatement against the expiration of time limits, or motions for a retrial.

Art. 77

Appointment of a Public Defender

- 1) A defense counsel may be appointed ex officio for a juvenile accused person if:
 - a) their legal representative is involved in the criminal offense; or

b) it is necessary or appropriate due to the accused person's limited mental development, and the legal representative cannot provide effective defense for any reason.

2) A suitable person may be appointed as a defense counsel. Art.

78

Duty of the Authority to Provide Information

If the authority becomes aware of circumstances that require a guardianship measure, it must notify the guardianship judge thereof.

C. Costs of proceedings

Art. 79

Costs of the administrative penal proceedings

1) Every penal decision and every decision confirming a penal decision must state that the person penalized is required to reimburse the costs of the administrative penal proceedings.

2) The government shall determine by ordinance the fees applicable to administrative criminal proceedings.

3) If cash outlays have been incurred in the course of the administrative penal proceedings, the person penalized shall be required to reimburse these outlays, provided they were not caused by the fault of another person; the amount to be reimbursed shall, if practicable, be specified in the penal decision or in the penal order, otherwise by a separate decision. This does not apply to fees owed to the interpreter and translator assigned to the accused person.

4) The fees of experts, interpreters, and witnesses shall be determined by the authority, unless the rates are governed by special regulations.

5) Fees and out-of-pocket expenses may be declared uncollectible if there is reasonable cause to believe that collection would be unsuccessful.

6) Articles 16(2) and (3) and Article 72 shall apply mutatis mutandis to enforcement.

7) If an application by the person penalized for the reopening of administrative criminal proceedings or for reinstatement against the expiration of time limits is not granted, the preceding provisions shall apply mutatis mutandis with respect to the obligation to bear the costs of the proceedings.

Art. 80

Costs of the appeal proceedings

The costs of the appeal proceedings shall not be imposed on the appellant if the appeal has been upheld in full or to a large extent.

Art. 81

Costs in the Event of Dismissal of the Proceedings or Revocation of the Penalty

If administrative penalty proceedings are discontinued in whole or in the vast majority, or if a penalty imposed is set aside in whole or in the vast majority as a result of an appeal or the reopening of the proceedings, then:

- a) the costs of the proceedings shall be borne by the state; however, if they have already been paid, they shall be reimbursed; and
- b) the costs of the accused person's defense shall be reimbursed in accordance with §§ 306 and 307 of the Code of Criminal Procedure, as applied mutatis mutandis.

VII. Transitional and Final Provisions

Art. 82

Implementing Regulations

The Government shall issue the ordinances necessary for the implementation of this Act.

Art. 83

Change of Designations

1) The term "Law on General State Administration," "Law on General State Administration (LVG)," or "LVG" shall be replaced by the term "Administrative Penal Code," in the grammatically correct form, in:

- a) Art. 51a(1) of the Act of May 23, 1996, on the Protection of Nature and the Landscape (Nature Conservation Act; NSchG), LGBl. 1996 No. 117;
- b) Art. 92(1) of the Environmental Protection Act (USG) of May 29, 2008, LGBl. 2008 No. 199;
- c) Art. 61a(1) of the Water Protection Act (GSchG) of May 15, 2003, LGBl. 2003 No. 159;

- d) Art. 64a(1) and Art. 67(3) of the Act of November 25, 2010, on the Handling of Genetically Modified, Pathogenic, or Alien Organisms (Organism Act; OrgG), LGBL. 2011 No. 4;
- e) Art. 93(6) of the Media Act (MedienG) of October 19, 2005, LGBL. 2005 No. 250;
- f) Art. 97 of the Act of October 22, 2009, on Value-Added Tax (Value-Added Tax Act; MWSTG), LGBL. 2009 No. 330;
- g) Art. 98(2) of the Road Traffic Act (SVG) of June 30, 1978, LGBL. 1978 No. 18;
- h) Art. 72(6) of the Law of March 17, 2006, on Electronic Communications (Communications Law; KomG), LGBL. 2006 No. 91;
- i) Art. 70(4) of the Act of June 9, 2016, on the Protection, Preservation, and Maintenance of Cultural Assets (Cultural Assets Act; KGG), LGBL. 2016 No. 270;
- k) Art. 40(6) of the Act of March 2, 2023, on Postal Services and Parcel Delivery Services (Postal Services and Parcel Delivery Services Act; PPG), LGBL. 2023 No. 151;
- l) Art. 26(6) of the Act of October 5, 2023, on the Authorization of Space Activities and the Registration of Space Objects (Space Act; WRG), LGBL. 2023 No. 443;
- m) Section 32(4) of the Emissions Trading Act (EHG) of September 19, 2012, LGBL. 2012 No. 346;
- n) Art. 92(4) of the Gaming Act (GSG) of June 30, 2010, LGBL. 2010 No. 235;
- o) Art. 71(4) of the Investment Undertakings Act (IUG) of December 2, 2015, LGBL. 2016 No. 45;
- p) Art. 143c(4) of the Act of June 28, 2011, on Certain Undertakings for Collective Investment in Transferable Securities (UCITSG), LGBL. 2011 No. 295;
- q) Section 177(4) of the Act of December 19, 2012, on Alternative Investment Fund Managers (AIFMG), LGBL. 2013 No. 49;
- r) Art. 10(4) of the Act of November 10, 2017, implementing Regulation (EU) No. 909/2014 on improving securities settlement in the European Union and on central securities depositories (EEA Central Securities Depositories Implementation Act; EEA CSD Implementation Act), LGBL. 2017 No. 426;
- s) Section 10(4) of the Act of November 6, 2020, implementing Regulation (EU) 2017/2402 establishing a general framework for securitization and creating a specific framework for simple, transparent, and

standardized securitization (EEA Securitization Implementation Act; EEA-VDG), LGBL 2020 No. 504;

t) Art. 11(2) of the Act of March 5, 2020, implementing Regulation (EU) No. 596/2014 on market abuse (EEA Market Abuse Regulation Implementation Act; EEA-MDG), LGBL 2020 No. 155;

u) Art. 10(4) of the Act of September 6, 2019, implementing Regulation (EU) 2016/1011 on indices used as a benchmark for financial instruments and financial contracts or to measure the performance of an investment fund (EEA Benchmark Implementation Act; EEA-RWDG), LGBL 2019 No. 255;

v) Section 9(4) of the Act of November 7, 2019, implementing Regulation (EU) 2015/2365 on the transparency of securities financing transactions and the reuse of securities (EEA Securities Financing Transactions Implementation Act; EEA-Securities Financing Transactions Implementation Act), LGBL 2019 No. 362;

w) Section 12(4) of the Act of March 11, 2022, implementing Regulation (EU) 2019/2088 on sustainability-related disclosure requirements in the financial services sector and Regulation (EU) 2020/852 on the establishment of a framework to facilitate sustainable investment (EEA Financial Services Sustainability Implementation Act; EEA-FNDG), LGBL 2022 No. 120.

2) The term "administrative fine" is to be replaced by the term "penalty order" in the grammatically correct form in:

a) Art. 4(1)(v) of the Appeals Commission Act of October 25, 2000, LGBL 2000 No. 248;

b) Art. 51a(2) of the Act of May 23, 1996, on the Protection of Nature and the Landscape (Nature Conservation Act; NSchG), LGBL 1996 No. 117;

c) Art. 9, para. 2 of the Introductory Act of May 13, 1924, to the Customs Agreement with Switzerland of March 29, 1923, LGBL 1924 No. 11;

d) Art. 92(2) of the Environmental Protection Act (USG) of May 29, 2008, LGBL 2008 No. 199;

e) Art. 61a(2) of the Water Protection Act (GSchG) of May 15, 2003, LGBL 2003 No. 159;

f) Art. 64a(2) of the Act of November 25, 2010, on the Handling of Genetically Modified, Pathogenic, or Alien Organisms (Organism Act; OrgG), LGBL 2011 No. 4;

- g) Art. 99(4) of the Law of December 14, 1952, on Old-Age and Survivors' Insurance (AHVG), LGBL 1952 No. 29;
- h) Art. 50a(2) of the Forest Act (WaldG) of March 25, 1991, LGBL 1991 No. 42;
- i) Art. 8(3), Art. 9(1)(b), Art. 138(3) and (4) of the Act of April 21, 1922 on General State Administration, LGBL 1922 No. 24;
- k) Art. 149(1) and Art. 151(2) of the Act of September 23, 2010, on State and Municipal Taxes (Tax Act; SteG), LGBL 2010 No. 340;
- l) Art. 101 and Art. 102(2) of the Law of October 22, 2009, on Value-Added Tax (Value-Added Tax Act; VAT Act), LGBL 2009 No. 330;
- m) Art. 31(1) and Art. 32(3) of the Act of November 5, 2015, on the International Automatic Exchange of Information in Tax Matters (AEOI Act), LGBL 2015 No. 355;
- n) Art. 22(1) and Art. 23(3) of the Act of November 4, 2016, on the International Automatic Exchange of Country-by-Country Reports of Multinational Enterprises (CbC Act), LGBL 2016 No. 502;
- o) Art. 19(1) and Art. 20(3) of the Act of December 4, 2014, on the Implementation of the FATCA Agreement between the Principality of Liechtenstein and the United States of America (FATCA Act), LGBL 2015 No. 7;
- p) Art. 42(1) and Art. 43(3) of the Act of November 8, 2013, on the Agreement between Liechtenstein and Austria on Cooperation in the Field of Taxation (AStA Act), LGBL 2013 No. 434;
- q) Art. 24(1) and Art. 26(2) of the Act of November 10, 2023, on the Minimum Taxation of Large Enterprise Groups (GloBE Act), LGBL 2023 No. 484;
- r) Art. 15 of the Act of May 19, 2005, on the Agreement with the European Community of December 7, 2004, on the Taxation of Interest Income (Interest Taxation Act, ZBStG), LGBL 2005 No. 112;
- s) Art. 8(1b) of the Act of March 15, 2000, on the Posting of Workers in the Context of Cross-Border Provision of Services (Posting Act; EntsG), LGBL 2000 No. 88;
- t) Art. 98(3) and (3a) of the Road Traffic Act (SVG) of June 30, 1978, LGBL 1978 No. 18.

3) The designation "Art. 147 to 149 of the Act on General State Administration" is to be replaced by the designation "Art. 53 et seq. of the Administrative Penal Code," and the designation "Art. 152 to 159 of the Act on General State Administration" by the term "Art. 40 et seq. of the Administrative Penal Code" in:

a) Art. 149 and 150(1) of the Law of September 23, 2010, on State and Municipal Taxes (Tax Law; SteG), LGBL 2010 No. 340;

b) Art. 31 of the Act of November 5, 2015, on the International Automatic Exchange of Information in Tax Matters (AEOI Act), LGBL 2015 No. 355;

c) Art. 22 of the Act of November 4, 2016, on the International Automatic Exchange of Country-by-Country Reports of Multinational Enterprises (CbC Act), LGBL 2016 No. 502;

d) Art. 19 of the Act of December 4, 2014, on the Implementation of the FATCA Agreement between the Principality of Liechtenstein and the United States of America (FATCA Act), LGBL 2015 No. 7;

e) Art. 42 of the Act of November 8, 2013, on the Agreement between Liechtenstein and Austria on Cooperation in the Field of Taxation (AStA Act), LGBL 2013 No. 434;

f) Art. 24 of the Act of November 10, 2023, on the Minimum Taxation of Large Enterprise Groups (GloBE Act), LGBL 2023 No. 484;

g) Art. 15(2) of the Act of May 19, 2005, on the Agreement with the European Community of December 7, 2004, on the Taxation of Interest Income (Interest Taxation Act, ZBStG), LGBL 2005 No. 112.

4) The designation "(Art. 149 LVG)" shall be replaced by the designation "(Art. 55 VStG)", and the designation "(Art. 147 LVG)" shall be replaced by the designation "(Art. 53 VStG)" in:

a) Art. 151(2) of the Act of September 23, 2010, on State and Municipal Taxes (Tax Act; SteG), LGBL 2010 No. 340;

b) Art. 32(3) of the Act of November 5, 2015, on the International Automatic Exchange of Information in Tax Matters (AEOI Act), LGBL 2015 No. 355;

c) Art. 23(3) of the Act of November 4, 2016, on the International Automatic Exchange of Country-by-Country Reports of Multinational Enterprises (CbC Act), LGBL 2016 No. 502;

- d) Art. 20(3) of the Act of December 4, 2014, on the Implementation of the FATCA Agreement between the Principality of Liechtenstein and the United States of America (FATCA Act), LGBL. 2015 No. 7;
- e) Art. 26(2) of the Act of November 10, 2023, on the Minimum Taxation of Large Enterprise Groups (GloBE Act), LGBL. 2023 No. 484;
- f) Art. 43(3) of the Act of November 8, 2013, on the Agreement between Liechtenstein and Austria on Cooperation in the Field of Taxation (AStA Act), LGBL. 2013 No. 434;
- g) Art. 102(2) of the Act of October 22, 2009, on Value-Added Tax (Value-Added Tax Act; MWSTG), LGBL. 2009 No. 330;
- h) Art. 15(3) of the Act of May 19, 2005, on the Agreement with the European Community of December 7, 2004, on the Taxation of Interest Income (Interest Taxation Act, ZBStG), LGBL. 2005 No. 112;
- i) Art. 8(1b) of the Act of March 15, 2000, on the Posting of Workers in the Context of Cross-Border Provision of Services (Posting Act; EntsG), LGBL. 2000 No. 88;
- k) Art. 98(3) of the Road Traffic Act (SVG) of June 30, 1987, LGBL. 1978 No. 18.

Art. 84

Repeal of Previous Legislation

Articles 139 through 165 and 167 of the Act of April 21, 1922, on General State Administration, LGBL. 1922 No. 24, as amended, are hereby repealed.

Art. 85

Transitional Provision

The previous law shall apply to proceedings pending at the time this Act enters into force.

Art. 86

Entry into Force

This Act shall enter into force on January 1, 2026.

V. Foreign Nationals Act (AuG)

of September 17, 2008

Act

of September 17, 2008

on Foreign Nationals (Foreign Nationals Act; AuG)

I hereby approve the following resolution adopted by the State Parliament:

I. General Provisions Art. 1

Subject Matter

This Act governs the entry, exit, and residence of foreign nationals, as well as family reunification. It also contains provisions on integration based on the principle of “challenge and support.”

Art. 2 Scope

1) This Act applies to foreign nationals insofar as they:

a) are neither nationals of a Member State of the European Economic Area (EEA Member State) nor of Switzerland;

b) are family members of persons who are neither nationals of an EEA Member State nor of Switzerland.

2) This Act does not apply to the provision of cross-border services by self-employed persons or companies domiciled or headquartered in the EEA or in Switzerland, as well as their employees who are neither nationals of an EEA Member State nor of Switzerland.

3) The provisions on the visa procedure and entry and exit apply only to the extent that the Schengen acquis applicable to Liechtenstein does not contain any deviating provisions.

Art. 3

Definitions

The terms used in this Act to designate persons and functions shall be understood to include members of both the male and female genders.

Art. 3a

Reference to Legal Provisions of the Schengen or Dublin Acquis Applicable in Liechtenstein

Where this Act refers to legal provisions of the Schengen or Dublin acquis applicable in Liechtenstein, the currently applicable version of such provisions shall be determined by the publication of the international treaties on the further development of the Schengen or Dublin acquis in the Liechtenstein Federal Gazette pursuant to Art. 3 of the Publication Act.

Art. 4

Relationship to the Asylum Procedure

1) Persons residing in Liechtenstein under the Asylum Act, or those who have been denied asylum and are therefore required to leave the country, may not apply for a permit under this Act. They may submit applications for a permit under this Act only after the asylum proceedings have been concluded and they have duly departed the country.

2) Any pending procedures for the issuance of a short-term residence permit or a residence permit become moot upon the submission of an asylum application.

3) Residence permits that have already been granted remain valid and may be extended in accordance with the provisions of the Aliens Act.

II. Principles of Admission and Integration Art. 5

Admission

1) The admission of foreign nationals who are gainfully employed is in the interest of the national economy; the decisive factors are the prospects for sustainable integration into the labor market and society.

2) Foreign nationals may also be admitted if the requirements for family reunification under Articles 32 through 39 are met.

3) Foreign nationals shall only be admitted if this does not conflict with the Schengen acquis applicable to Liechtenstein.

Art. 6

Integration

1) The goal of integration is the coexistence of the Liechtenstein and foreign populations on the basis of the values of the Constitution and mutual respect and tolerance.

2) Integration shall enable foreigners residing in Liechtenstein lawfully and on a long-term basis to participate in the economic, social, and cultural life of society.

3) Integration requires both the willingness and effort of foreign nationals to integrate into society and the openness of the Liechtenstein population.

4) Foreign nationals are required to familiarize themselves with social conditions and living standards in Liechtenstein and, in particular, to learn the German language, both spoken and written.

III. Entry and Exit Art. 7

Entry Requirements

1) Foreign nationals wishing to enter Liechtenstein:

a) must hold a valid passport;

a) must, if required, hold a visa or a travel authorization in accordance with Regulation (EU) 2018/1240 (ETIAS travel authorization);

b) must have sufficient financial means to cover their stay;

c) must not pose a threat to public safety and order or to the country's international relations;

d) must not be subject to an exclusion measure; and

e) must not be subject to an international arrest warrant.

2) They must provide assurance of guaranteed departure if only a temporary stay is planned.

3) Foreign nationals who wish to take up residence in Liechtenstein and are not subject to visa requirements need a confirmation of a short-term or residence permit to enter the country.

4) The provisions of the Schengen acquis applicable to Liechtenstein remain reserved.

Art. 8

Issuance of the Visa

1) The visa shall be issued by the authorized diplomatic mission abroad or by the Office of Immigration and Passports.

2) The Government shall regulate the details of visa issuance by ordinance in accordance with international agreements.

3) To cover any potential costs of care and return travel, a temporary guarantee, the purchase of insurance, the deposit of a security deposit, or other forms of security may be required.

IV. Permit and Registration Requirements

A. General

Provisions Art. 9

Permit requirement for stays without gainful employment

- 1) If a stay without gainful employment of more than three months is intended within a six-month period, a permit is required.
- 2) Within six months of the date of first entry, the stay not requiring a permit may not exceed three months. If the visa specifies a shorter period of stay, that period applies.
- 3) Departure must take place upon expiration of the stay not requiring a permit under paragraph 2.

Art. 10

Permit Requirement for Stay with Gainful Employment

- 1) Foreign nationals who wish to engage in gainful employment in Liechtenstein require a permit, regardless of the duration of their stay. Article 12 remains reserved.
- 2) Gainful employment is defined as any activity, whether as an employee or self-employed, that is customarily performed for remuneration, even if it is performed without remuneration.

Art. 11

Registration

Requirement

- 1) Foreign nationals subject to the permit requirement must register in person with the Residents' Registration Office of their place of residence within eight days of entry.
- 2) The following must be presented to the competent Residents' Registration Office:
 - a) a valid passport; and
 - b) proof of eligibility for a short-stay or residence permit, or a valid visa.
- 3) A change of residence within the municipality of residence or a move to another municipality must be reported in person to the relevant Residents' Registration Office within eight days.
- 4) Foreign nationals who hold a permit must personally deregister with the residents' registration office of their place of residence no later than eight days before departure and surrender their residence permit if they are moving abroad.
- 5) The provisions of this article do not apply to cross-border commuters.

B. Cross-Border Services Art. 12

General Principle

1) Self-employed persons or companies with their residence or registered office outside the EEA or Switzerland, and their employees, may provide a cross-border service for a period of up to eight days within a 90-day period. The visa requirement remains reserved.

2) The provision of a cross-border service must be reported. The report must be submitted to the Office of Foreigners and Passports no later than two working days before the service is provided.

3) A cross-border service is defined as a temporary business activity in Liechtenstein that is generally performed for remuneration.

4) The Government shall regulate the details by ordinance.

V. Requirements for Authorization

A. Permit for a stay for the purpose of gainful employment

Art. 13

Requirements for a permit

1) Foreign nationals may be granted a short-term residence permit or a residence permit to engage in employment as an employee only if:

- a) this is in the national economic interest;
- b) an application has been submitted by a domestic employer;
- c) the employment rate is at least 50% for an application for a short-stay permit or 80% for an application for a residence permit;
- d) have no prior convictions for a felony or misdemeanor;
- e) the applicant's professional qualifications, professional and social adaptability, language skills, and age indicate that sustainable integration into the workforce and society is likely;
- f) sufficient financial resources are available so that social assistance does not need to be claimed;
- g) the requirements under Articles 14 through 18 are met; and
- h) cross-border employment is not a reasonable option.

2) The government shall regulate the details by ordinance. Art. 14

Personal Requirements

A short-term residence permit or residence permit for the purpose of self-employment may only be granted to executives, specialists, and other

are issued to qualified workers who have completed vocational training or have many years of professional experience.

Art. 15

Wage and Working Conditions

Foreign nationals may be admitted to perform salaried employment only if the wages and working conditions customary for the locality, occupation, and industry are observed.

Art. 16 Priority for
nationals

1) Foreign nationals may only be admitted to perform salaried employment in Liechtenstein if it is demonstrated that no suitable employees can be found on the labor market not subject to authorization.

2) The labor market not subject to authorization includes:

- a) Liechtenstein nationals;
- b) persons with a valid residence or settlement permit; and
- c) cross-border commuters who are nationals of an EEA member state or Switzerland.

Art. 17 Housing

Foreign nationals may be admitted to engage in salaried employment only if they have adequate housing.

Art. 18 Quotas

1) The government may limit the number of short-stay and residence permits issued for the purpose of engaging in employment.

2) The quotas do not apply to applications for renewal.

B. Permit for a stay without gainful employment Art. 19

Education and Training

1) Foreign nationals may be granted a short-term residence permit for education and training in Liechtenstein only if:

- a) the expected duration of the training or continuing education is known;

- b) the administration of a recognized educational institution confirms that the training or continuing education can be started or continued;
 - c) they possess the language skills required for the course;
 - d) sufficient financial resources are available to cover living expenses and tuition, so that social assistance does not need to be claimed;
 - e) proof of legally required health insurance coverage that covers all risks in Liechtenstein is provided;
 - f) suitable housing or accommodation is available;
 - g) there is no criminal record for any crime or misdemeanor; and
 - h) their departure from the country appears to be assured.
- 2) For minors, care must be ensured.

3) The government shall regulate the details by ordinance. Art. 20

Persons of Special Interest

- 1) Foreign nationals who are not gainfully employed may be granted a short-term residence permit or a residence permit only if:
- a) they are of particular interest to the country;
 - b) they have housing appropriate to their needs;
 - c) proof is provided of legally required health insurance coverage that covers all risks in Liechtenstein;
 - d) sufficient financial resources are available so that social assistance does not need to be claimed (guarantee from a bank based in Liechtenstein); and
 - e) there are no prior convictions for a felony or misdemeanor.
- 2) The government shall regulate the details by ordinance.

C. Exceptions to the Requirements for Granting a Permit Art.

21

Hardship or important public interests

- 1) Exceptions may be made to the requirements for authorization under Articles 13 through 20 to take into account serious personal hardship or important public interests.
- 2) Paragraph 1 applies only to the issuance of short-term or residence permits.
- 3) The government shall prescribe the details by regulation.

D. Permit for cross-border employment

Art. 22 Cross-border worker
permit

Foreign nationals may be granted a cross-border commuter permit to engage in employment if:

- a) they have a permanent right of residence in an EEA member state or in Switzerland;
- b) they return daily to their place of residence abroad; and
- c) the requirements under Art. 13(1)(a), (b), and (d) as well as Art. 15 and 16 are met.

E. Permit for day or weekly employment

Art. 22a

Permit in Letter Form

Foreign nationals may be granted a letter-form permit to engage in daily or weekly salaried employment if the requirements under Art. 13(1)(a), (b), and (d) and Art. 14 through 16 are met.

VI. Permit Procedure Art.

23

Issuance or Extension of a Permit

- 1) An application for a permit under this law must be submitted to the Office of Immigration and Passports.
- 2) The Office of Foreigners and Passports may require a current criminal record extract from the applicant's country of origin or home country, as well as other original documents necessary for the proceedings.
- 3) Decisions on complete applications are generally made:
 - a) within two weeks of receipt for applications for a cross-border commuter permit or a short-term residence permit;
 - b) within three months of receipt for applications for a residence or settlement permit.
- 4) Incomplete, illegible, or unsigned applications are returned to the applicant with a one-time deadline of 30 days to complete them. If the deadline expires without action, the application is deemed withdrawn.

5) In cases where the factual and legal circumstances are the same, further identical applications will be informally rejected with reference to the previously decided case.

6) The permit may only be issued once all documents designated by the Office of Foreigners and Passports as necessary for the issuance of the permit have been submitted and the applicant has registered in person with the Residents' Registration Office at their place of residence.

7) The application for renewal of a residence permit or cross-border commuter permit must be submitted no later than two weeks before the expiration of the validity period.

Art. 24

Assurance or Authorization for the Issuance of a Visa

1) For a stay requiring a permit, with or without gainful employment, a confirmation of the permit or an authorization to issue a visa is required. Gainful employment may only be taken up after receipt of the confirmation or the visa.

2) Foreign nationals must wait abroad for confirmation or authorization of a visa.

3) Foreign nationals who have entered the country lawfully for a temporary stay and who subsequently apply for a permit must also wait abroad for the decision on their application.

4) The validity of a confirmation is limited to a maximum of six weeks for short-term residence permits and, as a rule, to three months for residence permits.

VII. Regulation of Residence

Art. 24a

Permit in Letter Form

1) A permit in letter form may be issued for the purpose of performing daily or weekly dependent employment for a total period of presence not exceeding 180 days within a twelve-month validity period.

2) If an employee has already been granted a short-term residence permit under Art. 25, a permit in letter form may only be issued if at least six months have elapsed since the expiration of the short-term residence permit and the employee's lawful departure.

3) The permit provides information about the employer.

Art. 25

Short-term residence permit

- 1) A short-stay permit may be issued for temporary stays that are immediately consecutive, for a total duration of up to one year.
- 2) It is issued only for a specific purpose of stay.
- 3) It may be extended once for a maximum of six months upon proof of exceptional need.
- 4) It may be reissued only after an interruption of at least six months following deregistration and departure; this does not apply to foreign nationals holding a short-term residence permit under Art. 19.

Art. 26 Residence Permit

- 1) A residence permit may only be issued for stays with an expected duration of more than one year.
- 2) It is granted for a specific purpose of residence and may be subject to conditions. The obligations assumed and declarations made during the authorization procedure, particularly regarding the purpose of the stay, are considered imposed conditions.
- 3) The residence permit is generally valid for one year. It may be extended provided that the integration agreement (Art. 41) has been complied with and there are no grounds for revocation or expulsion (Art. 48 and 53). Paragraph 4 and Art. 36(1a) remain reserved.
- 4) Managers and specialists may be granted a residence permit for up to three years, provided that, at the time of application, they are employed abroad by an internationally active company with a business branch in Liechtenstein; Art. 16 does not apply.
- 5) The extension may only be granted up to a maximum of one month before the expiration of the passport's validity.

Art. 27 Settlement Permit

- 1) The settlement permit is valid indefinitely. It may not be subject to conditions.
- 2) The residence permit is issued for a period of three years to verify the holder's actual presence in the country. It must be presented in person for renewal no later than two weeks before the expiration of the verification period.

3) Foreign nationals may be granted a settlement permit if:

- a) they have held a residence permit continuously for the past five years;
- b) they have passed a civics exam and possess the necessary knowledge of the German language, both spoken and written;
- c) they are in a stable and secure employment relationship or have sufficient financial resources so that they do not need to rely on social assistance;
- d) they have not been convicted of a crime or misdemeanor within the last five years, nor are any corresponding criminal proceedings pending with the public prosecutor's office or in court;
- e) they have not received social assistance in the last two years; and
- f) there are no grounds for revocation or deportation.

3a) The requirement set forth in paragraph 3(b) does not apply to persons who:

- a) are permanently exempt from entering into an integration agreement pursuant to Art. 42, para. 1, letter c; or
- b) have been residing in Liechtenstein for more than 15 years prior to the entry into force of this Act.

4) Foreign nationals may be granted a settlement permit again if:

- a) they have already held a settlement permit for at least ten years;
- b) they have not resided abroad for more than five years;
- c) they can prove that they have remained closely connected to Liechtenstein; and
- d) the requirements under paragraph 3(b), (c), (d), and (f) are met.

5) Temporary stays abroad pursuant to Art. 28 shall not be counted toward the time limits set forth in paragraph 3(a) and 4(a).

6) The government shall regulate the details by ordinance. Art. 28

Retention of the residence or settlement permit

1) Retention of the residence or settlement permit may be granted for a temporary stay abroad, provided that this does not significantly impede integration:

a) for the purpose of completing an education abroad (studies, vocational training), provided that compulsory schooling in Switzerland has been fulfilled and the desired education is not available in Switzerland;

b) in particularly justified cases.

2) Retention pursuant to paragraph 1(b) may be granted at the earliest after a lawful and uninterrupted stay of three years since the issuance of the residence permit.

3) The extension under paragraph 1 may be granted for a maximum period of one year at a time. Extensions of the extension under paragraph 1(b) may not exceed a total duration of two years.

4) The application for the issuance or extension of the retention must be submitted no later than two weeks before the start of the stay abroad or before the expiration of the approved retention.

Art. 29 Cross-border commuter
permit

1) A cross-border commuter permit may be granted for the purpose of engaging in salaried employment.

2) It is limited to one year and may be extended if there are no grounds for revocation under Art. 48(1)(a), (c), or (2).

Art. 30 Gainful
Employment

1) Persons with a residence permit who are authorized to engage in employment may change jobs within the country.

2) Persons with a residence or settlement permit may engage in self-employment within the country, provided that the professional requirements are met.

Art. 31

Residence or cross-border commuter permit

1) Foreign nationals receive a residence or cross-border commuter permit upon approval.

2) Persons subject to authorization must present their residence or cross-border commuter permit to the authorities upon request.

3) The Office of Foreigners and Passports may revoke the residence or cross-border commuter permit at any time for good cause.

Foreign Nationals Act

(AuG)

4) If a valid residence permit is lost, a report must be filed with the state police. Unless the loss of the residence permit is related to a criminal offense, the loss may also be reported directly to the Office of Immigration and Passports. A new residence permit will not be issued until the Office of Immigration and Passports has received a report of the loss.

4a) The card is equipped with an electronic data carrier (data chip). This contains the cardholder's facial image, fingerprints, and the data contained in the machine-readable lines.

4b) Repealed

5) The government shall determine by ordinance:

a) the form and content of the cards;
b) which persons are to be issued a card with a data chip and what data must be stored on it.

c) Repealed

Art. 31a

Security and Reading of the Data Chip

1) The data chip must be protected against forgery and unauthorized reading. The government shall determine the relevant technical requirements by ordinance.

2) The government is authorized to conclude agreements with other states regarding the reading of data stored on the data chip, provided that such agreements ensure adequate data protection.

VIII. Family

Reunification Art. 32

Principle

1) The purpose of family reunification is to bring family members together in the applicant's household.

2) The following are considered family members within the meaning of paragraph 1:

a) the spouse or registered partner;
b) unmarried children under the age of 18, including adopted children and children for whom a guardianship relationship exists.

Art. 33 Requirements

1) Before a residence permit is granted or authorization is given to issue a visa for family members, the applicant must prove that:

- a) he holds a valid residence or settlement permit;
- b) both spouses are of legal age under Liechtenstein law;
- c) the spouse living abroad has a basic knowledge of the German language;
- d) he has suitable housing (rental or purchase agreement) that offers sufficient space to accommodate family members; and
- e) he is in a stable employment relationship that ensures his livelihood and that of his family members, or has sufficient financial resources to cover his personal living expenses and those of his family members, such that he does not need to rely on social assistance (guarantee from a bank headquartered in Liechtenstein).

2) For the assessment of the requirement under paragraph 1(e), the applicant's financial circumstances at the time of application are decisive. The financial and income circumstances of family members joining the applicant are not taken into account.

3) The requirement under paragraph 1(c) may be waived if the applicant has been granted a residence permit for gainful employment and the family members enter the country together with him.

4) After entry and registration, the applicant must submit the following within the period of validity of the guarantee or visa:

- a) proof of the family members' registration with the Residents' Registration Office at their place of residence;
- b) proof of legally required health insurance coverage that covers all risks in Liechtenstein;
- c) proof of the school-age children's registration at the school.

5) The Office of Foreigners and Passports may require original proof of the family relationship. Art. 23(6) applies.

6) The Government shall regulate the details by ordinance. Art. 34

Time limits

1) A request for family reunification must be filed no later than three years after the permit is granted or after the marital relationship begins. Paragraph 1a remains reserved.

1a) If the applicant has been granted a residence permit under the family reunification program, a claim for family reunification may be made no earlier than after the expiration of a lawful and uninterrupted period of residence of four years from the date the permit was granted. After this period has expired, the application for family reunification must be submitted no later than three years after the marital relationship began or, if the marital relationship began during the four-year period, within three years after the expiration of that period.

2) Further family reunification may be granted no earlier than two years after the divorce decree becomes final.

Art. 35

Suspension of proceedings

If, at the time the application for family reunification is filed, proceedings to revoke the applicant's residence or settlement permit are already pending, or if such proceedings are initiated during the family reunification proceedings, the family reunification proceedings shall be suspended until a final decision on the revocation of the applicant's residence or settlement permit has been issued.

Art. 36

Validity of the Permit

1) The period of validity of the residence permit for each family member corresponds to the period of validity of the permit of the applicant from whom the right of residence is derived. Art. 26, paras. 3 and 5 apply.

1a) The period of validity of the residence permit for dependent children corresponds to the period of validity of the permit held by the applicant from whom the right of residence is derived. Notwithstanding Art. 26(3), the validity period of the residence permit may exceed one year provided that the child who has joined the family is exempt from entering into an integration agreement under Art. 42(1)(b).

2) Children who have joined their parents acquire an independent right of residence upon reaching the age of majority. Any extension of their residence permit may be made contingent upon:

a) compliance with an integration agreement; and

b) the pursuit of gainful employment or the commencement and completion of vocational training.

Art. 37

Gainful Employment of Family Members

1) Upon receiving a residence permit, the spouse and children have the right to engage in salaried employment.

2) Art. 30 para. 2 applies *mutatis mutandis* to the pursuit of self-employment.

Art. 38 Marriage of

Convenience

A residence permit granted under family reunification shall be denied, or a permit already granted shall be revoked, if it is proven or if there is at least sufficient evidence to conclude that:

a) the marital union was entered into or continued, at least on the part of one of the spouses, primarily with the intention of circumventing the provisions of this Act and the implementing regulations on admission and residence; or

b) one of the spouses was coerced into entering the marriage. Art.

39

Consequences of the Dissolution of the Marital Union

1) If a marital relationship is dissolved as a result of the dissolution of the joint household, separation, divorce, or the invalidity or nullity of the marriage, and if the marital relationship has lasted less than five years since the residence permit was granted, the residence permit shall be revoked or its renewal denied.

2) The revocation or non-renewal of the residence permit may be waived if:

a) the spouse:

1. is in a stable and financially secure employment relationship within the country and meets the requirement under Art. 13(1)(c); or

2. meets the requirements under Art. 20(1)(b) through (e); and

b) there are important personal reasons. Such reasons exist in particular if:

1. there is a living and intact relationship with the joint children, and the well-being of the minor children would be significantly jeopardized by the revocation of one parent's permit; or
2. the spouse has demonstrably been a victim of domestic violence, rendering the continuation of the marital relationship unreasonable.
- 3) The residence permit may be extended upon dissolution of the marital relationship within the meaning of paragraph 1 if the marital relationship has existed for more than five years since the residence permit was granted and successful integration has taken place.

Art. 39a

Registered Partnership

Articles 33 through 39 apply mutatis mutandis to registered partnerships.

IX. Integration

Art. 40

Promotion of Integration

- 1) State and municipal authorities, social partners, and organizations for foreigners and non-governmental organizations shall take integration concerns into account in the performance of their duties. They shall cooperate in this regard.
- 2) The state and municipalities shall create favorable conditions for equal opportunities and the participation of the foreign population in economic, social, and cultural life.
- 3) In particular, they promote language acquisition, professional advancement, preventive health care, substantive gender equality, and efforts that foster mutual understanding between the Liechtenstein and foreign populations and facilitate their coexistence.
- 4) They take into account the special needs of women, children, and young people regarding integration.
- 5) Employers shall support language acquisition, in particular attendance at language courses, to the extent possible.

Art. 41 Integration Agreement

- 1) The Office of Foreigners and Passports concludes an integration agreement in German with foreign nationals upon the issuance or renewal of a residence permit. This also applies to the granting of permits in the context of family reunification (Art. 32–39).

2) The purpose of the integration agreement is to acquire knowledge of the German language and basic knowledge of the legal system and the structure of the Liechtenstein state.

3) Spouses or registered partners who have been granted a residence permit under family reunification must learn to speak and write German within two years.

4) The integration agreement may stipulate the obligation to attend a language and civics course. If the foreign national can demonstrate that they already possess the relevant language skills, these must be taken into account.

5) The government shall regulate the details by ordinance. Art. 42

Exceptions

1) The following persons are exempt from entering into an integration agreement:

a) Persons who are admitted for the purpose of gainful employment and who declare in writing that they will reside in Liechtenstein for no more than three years;

b) Children under the age of 16; or

c) Persons who cannot reasonably be expected to fulfill an integration agreement due to their advanced age or state of health.

2) An integration agreement may be concluded with persons under paragraph 1(b) after they have completed compulsory schooling if they have not yet attained the required proficiency in the German language.

3) Persons who have been granted a residence permit under Art. 20 may be exempted from concluding an integration agreement.

Art. 43

Financial Contributions

1) The state provides financial contributions for the integration of foreign nationals.

2) These financial contributions shall be used in particular to support:

a) projects aimed at learning the German language and acquiring basic knowledge of the legal system and the structure of the state;

b) projects and events designed to promote the social and professional integration of foreigners;

c) Counseling and information for foreigners regarding measures that promote integration.

3) The government shall regulate the details by ordinance. Art. 44

Information

1) The state and municipalities provide foreigners with adequate information about living and working conditions, as well as existing programs to promote integration in Liechtenstein.

2) The Office of Social Services advises private individuals and public authorities on matters of integration.

Art. 45

Coordination of Integration

1) The government promotes inter-agency coordination and information sharing regarding integration.

2) The Office of Social Services coordinates integration measures. Art. 46

Repealed

X. Termination of Residence

A. Expiration of Permits Art. 47

Grounds for Expiration

1) A permit expires:

- a) upon personal deregistration for residence abroad;
- b) upon expiration of the permit's validity period, unless a request for extension has been submitted in a timely manner;
- c) upon the cessation of the purpose of stay for a short-stay permit;
- d) upon termination of the employment relationship in the case of a cross-border commuter permit; or
- e) upon expulsion pursuant to Art. 53.

2) If the foreign national leaves Liechtenstein without deregistering, the residence permit expires after four months and the settlement permit after six months, unless retention has been granted.

3) The periods specified in paragraph 2 are not interrupted by stays in the country for business or visit purposes.

B. Revocation of Permits Art. 48

Revocation of a Residence Permit

1) A residence permit may be revoked if the foreign national:

- a) or their representative provided false information or concealed material facts during the permit application process;
 - b) no longer meets the requirements for the issuance of the residence permit or no longer complies with a condition attached to the permit (Art. 26, paras. 2 and 3);
 - c) indicates through his or her conduct that he or she is neither willing nor able to integrate into the existing social order;
 - d) has not been in an employment relationship for six consecutive months due to unemployment;
 - e) or a person for whom they are responsible is dependent on social assistance; or
 - f) has failed to comply with the integration agreement.
- 2) A residence permit must be revoked if the foreign national has been sentenced to a prison term that is at least partially non-suspended for a felony or misdemeanor, or if a preventive measure within the meaning of Section 3 of the Criminal Code has been ordered against him or her.

3) The revocation of a residence permit granted under family reunification pursuant to Art. 38 or 39 remains reserved.

Art. 49

Revocation of the settlement permit

The settlement permit may be revoked if:

- a) the requirements under Art. 48(1)(a) or (2) are met; or
- b) the foreign national or a person for whom he or she is responsible is permanently and to a significant extent dependent on social assistance.

C. Removal and Expulsion Measures Art. 50

Order of Removal

- 1) Foreign nationals shall be expelled by order to their home or country of origin, or to a state with which a readmission agreement exists, or to a state to which the foreign national wishes to return voluntarily and where he or she will be admitted, if:
- a) they do not possess the required permit;
 - b) they do not or no longer meet the entry requirements under Article 7; or
 - c) their permit is denied, revoked, or not renewed.

1a) If foreign nationals hold a valid residence permit from another state bound by the Schengen acquis (Schengen state), they shall be informally requested to proceed immediately to that state. If they fail to comply with this request, a decision pursuant to paragraph 1 shall be issued. If immediate departure is warranted for reasons of public safety and order or internal and external security, a decision shall be issued without prior request.

2) An appeal against orders under paragraph 1(a) and (b) may be filed with the Government within five working days of the order being served. The appeal has no suspensive effect. A request for the restoration of suspensive effect may be filed simultaneously with the appeal. The member of the government responsible under the division of duties shall decide on such a request as the final instance within ten working days.

2a) For unaccompanied minor foreigners, the district court shall, upon request by the Office of Immigration and Passports, immediately appoint a guardian to represent their interests during the removal proceedings.

3) The provisions on coercive measures shall apply. Art. 51

Removal on the basis of the Dublin acquis applicable to Liechtenstein

1) If another state bound by the Dublin acquis (Dublin state) is responsible for conducting an asylum procedure pursuant to the provisions of Regulation (EU) No. 604/2013 of the European Parliament and of the Council of June 26, 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in a Member State by a third-country national or a stateless person (OJ L 180, June 26, 2013, p. 1), Member State responsible for examining an application for international protection lodged in a Member State by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31), a removal order shall be issued against persons present in Liechtenstein illegally.

2) An appeal against a removal order may be filed with the Government within five working days of the order being served. The appeal has no suspensive effect. A request for the restoration of the suspensive effect may be filed simultaneously with the appeal. The Government shall decide in the final instance within ten working days

regarding such a request; it may delegate this task to the competent member of the government by ordinance.

Art. 52

Expulsion Order Using a Standard Form

If a person has entered Liechtenstein illegally, the expulsion order pursuant to Art. 50 para. 1 shall be served on them using a standard form.

Art. 52a

Informal Expulsion

1) Foreign nationals shall be expelled without formal notice if they:

a) are expelled from another Schengen State on the basis of a decision taken at the time of entry into force of Directive 2008/115/EC of the European Parliament and of the Council of

December 16, 2008, on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, Dec. 24, 2008, p. 98); or

b) are listed in the Schengen Information System because they were refused entry pursuant to Article 14 of the Schengen Borders Code (OJ L 77, 23.03.2016, p. 1).

2) Upon immediate request by the person concerned, a decision shall be issued using a standard form.

Art. 52b

Time limit for departure and immediate enforcement

1) The removal order must specify a reasonable departure deadline of between seven and thirty days. A longer departure deadline must be set, or the departure deadline may be extended upon request, if special circumstances—such as the family situation or a long period of residence—so require. The person concerned shall be issued a confirmation regarding the extension of the departure deadline.

2) When determining the departure deadline and its extension, except in the case of Art. 62, care must be taken as far as possible to ensure that:

a) the family unit with family members present in Liechtenstein is maintained;

b) emergency medical care and the absolutely necessary treatment of illnesses are guaranteed;

c) access to the basic education system for minors is ensured, depending on the length of their stay;

d) the specific needs of vulnerable persons are taken into account.

3) The removal order may be enforced immediately or a departure deadline of less than seven days may be set if:

a) the person concerned poses a threat to public safety and order or to internal or external security;

b) there are concrete indications that the person concerned intends to evade removal;

c) an application for a permit has been rejected as manifestly unfounded or abusive;

d) the person concerned is to be readmitted to another Schengen State under a valid readmission agreement (Art. 52a(1)(a));

e) the person concerned is listed in the Schengen Information System because entry was refused pursuant to Article 14 of the Schengen Borders Code (Article 52a(1)(b));

f) the person concerned is being returned on the basis of the Dublin acquis applicable to Liechtenstein (Art. 51).

Art. 52c

Obligations following the issuance of a removal order

Following the issuance of a removal order, foreign nationals may be required, in particular, to:

a) report regularly (daily or weekly) to the national police;

b) to provide adequate financial security;

c) to deposit their travel documents.

Art. 52d

Translation of the expulsion order

1) Upon request, the expulsion order must be translated in writing or orally into a language that the person concerned understands or is presumed to understand.

2) If the expulsion order is served using a standard form pursuant to Art. 52, no translation is provided. The persons concerned are given an information sheet with explanations regarding the expulsion order.

Art. 53

Expulsion

1) Foreign nationals shall be expelled by order if they:

- a) have been sentenced to an unconditional prison term of two years or more for a crime or misdemeanor, or if a preventive measure within the meaning of Section 3 of the Criminal Code has been ordered against them; or
 - b) have seriously violated public safety and order in Switzerland or abroad, or endanger such safety and order, or endanger internal or external security.
- 2) The expulsion order is enforceable immediately.
- 3) The expulsion is accompanied by a temporary or permanent entry ban.

Art. 54 Entry Ban

1) An entry ban is imposed on expelled foreigners if:

- a) no departure deadline has been set (Art. 52b, para. 3);
- b) they have not departed within the set deadline;
- c) they have violated or endangered public safety and order in Switzerland or abroad; or
- d) they have been punished under Art. 83, 84, or 86 or have attempted to commit such an offense.

2) An entry ban may be imposed on foreign nationals if they:

- a) Repealed
- b) have incurred social assistance costs;
- c) have been deported; or
- d) had to be detained pursuant to Articles 58 through 59a in order to carry out the removal or expulsion.

2a) An entry ban applies to the entire Schengen Area if:

- a) it is entered in the Schengen Information System pursuant to Art. 54a(2); and
 - b) the foreign national does not hold a valid residence permit from another country.
- 3) An appeal against the entry ban order has no suspensive effect.

4) The entry ban is imposed for a maximum period of five years. It may be imposed for a longer period if the person concerned poses a serious threat to public safety and order.

5) In exceptional cases, an entry ban may be waived for humanitarian or other compelling reasons, or, upon written request, an entry ban may be permanently or temporarily lifted. In doing so, the reasons that led to the entry ban, as well as the protection of public safety and order and the preservation of Liechtenstein's internal or external security, must be weighed against the private interests of the person concerned in having the ban lifted. The Government shall regulate the details by ordinance.

Art. 54a

Alert in the Schengen Information System

1) Data on third-country nationals against whom the following return decisions within the meaning of Directive 2008/115/EC have been issued shall be entered into the Schengen Information System by the competent authority:

- a) expulsions pursuant to Art. 50;
- b) Expulsions pursuant to Art. 53;
- c) Removals with an enforcement order pursuant to Articles 25 and 26 of the Asylum Act.

2) Data on third-country nationals against whom entry bans have been issued pursuant to Article 53(3) and Article 54 shall be entered into the Schengen Information System by the competent authority, provided that the conditions of Regulation (EU) 2018/1861 are met.

3) The government shall regulate by ordinance the procedure and responsibilities for the collection and transmission of the data referred to in paragraphs 1 and 2 for alerts in the Schengen Information System.

Art. 54b

Competent authority for the exchange of supplementary information

1) The exchange of supplementary information between the competent authorities of the Schengen States regarding third-country nationals who have been entered into the Schengen Information System pursuant to Article 54a(1) and (2) is the responsibility of the SIRENE Bureau.

2) As soon as the Office of Foreigners and Passports or the cantonal police determines that a third-country national subject to a return notice issued by another Schengen State has failed to comply with their obligation to return, the SIRENE Bureau must be notified.

3) If, in connection with an alert in the Schengen Information System, consultation with the competent authorities of other Schengen States is required, this shall be conducted through the SIRENE Bureau. The Government shall regulate the details of the procedure by ordinance.

Art. 54c Confirmation of

Return

The SIRENE Bureau forwards return confirmations from other Schengen States to the issuing authority for the purpose of deleting the alert.

Art. 54d

Deletion of alerts in the Schengen Information System

1) The deletion of alerts pursuant to Art. 54a(1) in the Schengen Information System shall be carried out by the issuing authority as soon as:

- a) the person concerned has left the Schengen area;
- b) the decisions have been revoked or annulled; or
- c) it is known that the person in question has acquired the nationality of an EEA Member State or Switzerland.

2) The deletion of alerts pursuant to Article 54a(2) in the Schengen Information System shall be carried out by the issuing authority as soon as:

- a) the duration of the entry ban has expired;
- b) the decisions have been revoked or annulled; or
- c) it is known that the person in question has acquired the nationality of an EEA Member State or Switzerland.

3) The issuing authority shall immediately activate the alert for refusal of entry and stay in the Schengen Information System as soon as:

- a) the person subject to the return alert has left the Schengen Area; and
- b) the issuing authority has deleted the alert for the return of that person.

Art. 54e

Transfer of Data from the Schengen Information System to Third Parties

1) Data obtained from the Schengen Information System, as well as related supplementary information, may not, as a general rule, be transferred to third countries, international organizations, private entities, or natural persons.

2) However, the transmission of such data and information by the Office of Foreigners and Passports is possible in relation to the return of third-country nationals residing illegally for the purpose of identification and the issuance of a travel document or identity document to a state not bound by the Schengen acquis, with the consent of the issuing state, provided that the conditions under Article 15 of Regulation (EU) 2018/1860 are met.

D. Coercive measures

Art. 55

Removal

1) Foreign nationals shall be removed if:

- a) they allow the deadline set for their departure to expire;
- b) the removal or expulsion can be enforced immediately; or
- c) they are in custody pursuant to Art. 58 or 59.

2) Removal may be postponed for a reasonable period of time if special circumstances, such as health issues or a lack of transportation options, so require. If the principle of non-refoulement is violated, removal must be postponed.

3) The person concerned shall be issued a confirmation regarding the postponement of the removal.

4) The obligations provided for in Art. 52c may be imposed on the person concerned.

5) Prior to the removal of unaccompanied minor foreigners, it must be ensured that they are handed over to a family member, a guardian, or a reception facility in the country of return.

Art. 55a

Repealed Art. 56

Search

1) During removal or expulsion proceedings, the person concerned and the belongings they are carrying may be searched to secure travel and identity documents. The search may only be conducted by persons of the same sex.

2) If a first-instance removal or expulsion decision has been issued, the District Court may, upon application by the Office of Foreigners and Passports, order a search of a residence or other premises if there is suspicion that a person subject to removal or expulsion is hiding there.

3) The government shall lay down further details by regulation. Art. 56a

Monitoring of Deportations

1) The government shall regulate the procedure and responsibilities for the supervision of removals by ordinance.

2) It may entrust third parties with tasks related to the monitoring of removals.

Art. 56b

Cooperation with the European Agency responsible for monitoring the Schengen external borders

The Office of Foreigners and Passports and the cantonal police may cooperate with the European Agency responsible for monitoring the Schengen external borders in the enforcement of expulsions and removals, in particular regarding the procurement of travel documents and the organization of the journey.

Art. 57

Temporary Detention

1) Persons who do not meet the entry requirements under Art. 7 may be detained by the State Police:

- a) to clarify their residence status;
- b) to establish their identity or nationality, insofar as their personal cooperation is required for this purpose; or
- c) to issue a decision regarding their residence status.

2) If a person is detained, they must:

- a) be informed of the reason for their detention;
- b) have the opportunity to contact the persons guarding them if they need assistance.

3) The person may be detained only for the duration of the necessary cooperation or questioning, as well as any necessary transport, but for no longer than three days. If the detention lasts longer than three days, a detention order must be issued pursuant to Art. 60.

3a) If the detention is expected to last longer than 24 hours, the person concerned must be given the opportunity beforehand to attend to urgent personal matters or to have them attended to.

4) The duration of the detention shall not be counted toward the duration of any detention pursuant to Articles 58 through 59a.

Art. 58 Pre-trial detention

To ensure the conduct of a removal proceeding, a person who does not hold a short-stay, residence, or settlement permit may be detained while the decision regarding their right of residence is being prepared if they:

- a) refuses to disclose their identity during the removal proceedings;
- b) enters the territory of Liechtenstein despite a valid entry ban and cannot be immediately removed;
- c) submits an asylum application after the final revocation of their permit, after the final non-renewal of their permit, or after an expulsion (Art. 53);
- d) has seriously threatened a person or endangered their life or physical integrity and has therefore been prosecuted or convicted;
- e) has been convicted of a misdemeanor or felony;
- f) is likely to be readmitted to a state bound by the provisions of Directive 2008/115/EC or to a state with which a readmission agreement exists, based on a readmission request; or
- g) does not or no longer meet the entry requirements under Art. 7 and cannot be immediately removed.

Art. 59 Detention pending removal

1) If a first-instance removal or expulsion decision has been served, the person concerned may, to ensure enforcement:

- a) be kept in detention if they are already in detention pursuant to Art. 58;
- b) be taken into custody if:
 - 1. they disregard a valid entry ban;
 - 2. they pose a serious threat to persons or significantly endanger life or limb;
 - 3. there are concrete indications that they intend to resist or evade removal, in particular because they fail to comply with the obligation to cooperate in obtaining their passport under Art. 65(c);
 - 4. they do not leave the country upon the expiration of the visa or permit;
 - 5. they have allowed the deadline set for their departure to expire, or the removal order can be enforced immediately;
 - 6. there is a ground for detention under Art. 58(f);
 - 7. she does not or no longer meets the entry requirements under Article 7; or
 - 8. she is residing in Liechtenstein unlawfully, submits an application for asylum, and thereby clearly intends to avoid the imminent enforcement of a removal or expulsion order.

2) Repealed

- 3) The necessary arrangements for the enforcement of the removal or expulsion shall be made immediately.

Art. 59a

Detention in the Context of the Dublin Procedure

- 1) The foreign national concerned may be detained to ensure removal to the Dublin State responsible for the asylum procedure if, in the specific case, there are concrete indications to fear that the person intends to evade the removal.
- 2) The person concerned may be kept in detention or placed in detention, upon issuance of a detention order, for a maximum period of:
 - a) seven weeks during the preparation of the decision on jurisdiction for the asylum application; this includes submitting the request for transfer to the other Dublin State, the waiting period until a response is received or until tacit acceptance, as well as drafting the decision and serving it;
 - b) five weeks during proceedings in the event of a negative response from the requested Dublin State;

c) six weeks to ensure enforcement between the issuance of the removal or expulsion order or, as the case may be, after the suspensive effect of any appeal filed against a removal or expulsion order issued at first instance has expired, and the transfer of the person concerned to the competent Dublin State.

3) If a person refuses to board a means of transport for the purpose of transfer to the competent Dublin State, or otherwise prevents the transfer through their personal conduct, they may be detained to ensure the transfer, provided that the detention order under paragraph 2(c) is no longer possible and a less restrictive measure would not achieve the objective. Detention may only last until the transfer can be carried out again, but for no longer than six weeks. It may be extended in accordance with Art. 61(4)(b).

Art. 60

Order of Detention and Review of Detention

1) Detention pursuant to Articles 58 through 59a is ordered by the Office of Immigration and Passports; outside of office hours, it is ordered by the State Police.

1a) An order for detention is permissible provided that it is proportionate and less restrictive measures cannot be effectively applied.

2) The ordering of detention for children and juveniles who have not yet reached the age of 15 is not permitted.

3) The legality and appropriateness of the detention must be reviewed by the District Court on the basis of an oral hearing no later than 96 hours after the detention order is issued.

4) When reviewing the decision to order, continue, or revoke detention, the District Court shall also take into account the family circumstances of the detained person.

5) One month after the detention review, the detained person may submit a written application for release from detention to the Office of Immigration and Passports. If the Office of Immigration and Passports does not grant the application, it must submit the application to the District Court within three business days of receipt. The Office of Immigration and Passports may submit a statement regarding the application. The District Court must decide on the request within eight working days of receipt. A new request for release from detention may only be submitted one month after the last decision on release from detention.

- 6) Detention is automatically terminated by the Office of Foreigners and Passports if:
 - a) the grounds for detention no longer apply or it is established that the enforcement of the removal or expulsion is unfeasible for legal or factual reasons;
 - b) a request for release from detention is granted;
 - c) the detained person begins serving a prison sentence or a preventive measure.
- 7) The Regional Court shall review the legality and appropriateness of the detention only if the detention is continued.
- 8) The Office of Immigration and Passports must immediately notify the Regional Court of the enforcement of the expulsion or deportation, as well as of the termination of detention.
- 9) The government may regulate the details by ordinance. Art.

61

Duration of Detention

- 1) Detention pursuant to Articles 58 through 59a may not exceed a total duration of six months.
- 2) For minors between the ages of 15 and 18, it may not exceed three months.
- 3) Repealed
- 4) At the request of the Office of Immigration and Passports, the District Court may extend the duration of detention:
 - a) by a maximum of twelve months if:
 1. the person concerned does not cooperate with the Office of Immigration and Passports or the State Police; or
 2. the transmission of the documents required for departure is delayed by states that are not bound by the Schengen acquis;
 - b) for a maximum of three months, if the person concerned indicates through their personal conduct that they will continue to resist transfer to the competent Dublin State.
- 5) Together with the application under paragraph 4, the Regional Court must be notified of any new findings relevant to the decision that have arisen since the detention review hearing pursuant to Article 60(3).
- 6) In the case of paragraph 4(a)(2), the Regional Court may render a decision without an oral hearing.

Art. 61a

Court Proceedings

- 1) The detained person and the public prosecutor's office have the status of parties in proceedings concerning detention pursuant to Articles 58 through 61.
- 2) The detained person is not obligated to testify at the detention review hearing. The Regional Court must inform the person of this.
- 3) The competent authority under Art. 60(1) shall, immediately after issuing the detention order, transmit:
 - a) the Regional Court a copy of the detention order together with a copy of the case file;
 - b) to the public prosecutor's office, a copy of the detention order.
- 4) The Office of Immigration and Passports shall be heard in the detention review hearing.
- 5) If the detention is confirmed by the Regional Court, the detained person shall be provided with legal counsel for the remainder of the detention. § 26 StPO applies *mutatis mutandis*.
- 6) The provisions of the Code of Criminal Procedure apply in addition.
- 7) The government may regulate the details by ordinance. Art.

61b

Appeal

- 1) The detained person and the public prosecutor's office may file an appeal with the High Court against decisions of the District Court within three days of the decision being served.
- 2) The Code of Criminal Procedure applies *mutatis mutandis* to the appeal proceedings.

Art. 62 Conditions of

Detention

- 1) The State Prison shall ensure that the detained person may notify a person designated by him or her within the country. Oral and written communication with an authorized representative of a party is permitted.
- 2) Detention shall be carried out in suitable facilities. Detention together with persons in pretrial detention or serving a sentence is not permitted.
- 2a) Male and female detainees shall be housed in separate facilities.
- 3) Inmates shall be offered suitable activities to the extent possible.
- 4) Emergency medical care and the treatment of illnesses that is absolutely necessary must be guaranteed.

4a) Relevant competent national and international organizations, as well as non-governmental organizations, may visit detainees with the prior approval of the institution director.

4b) Detained persons shall receive information from the state prison regarding the rights and obligations applicable therein.

5) In the case of unaccompanied minors and families with minors, detention must be arranged in such a way that:

a) families are provided with separate accommodation that ensures adequate privacy;

b) minors are given the opportunity to engage in leisure activities, including age-appropriate play and recreation, and, depending on the length of their stay, access to education;

c) unaccompanied minors are placed in facilities that meet their age-appropriate needs in terms of staff and resources;

d) the best interests of the child take precedence.

6) Unless otherwise specified, the provisions of the Penitentiary Act apply *mutatis mutandis*.

Art. 62a

Special Security Measures

1) Special security measures against incarcerated persons shall be ordered by the supervising correctional officer in accordance with the provisions of the Penitentiary Act.

2) The following are the only special security measures that may be considered, as they entail an additional restriction on the detainee's daily life:

a) nighttime lighting of the detention cell;

b) placement in a specially secured cell from which all objects with which the detained person could cause harm have been removed;

c) the application of restraints or a straitjacket, or restraint in a restraint bed;

d) the detention of an incarcerated person in solitary confinement against their will.

3) The facility director shall immediately inform the Office of Immigration and Passports of the imposition or revocation of a security measure pursuant to paragraph 2.

4) The Office of Immigration and Passports, as the enforcement authority, shall decide on the continuation of the measures. If the continuation of a measure is ordered, its maximum permissible duration must be determined at the same time; if the grounds that led to the ordering of such a measure cease to exist before the expiration of this period, the facility director must revoke the measure without delay.

5) The legality and appropriateness of the special security measures must be reviewed by the Regional Court no later than 96 hours after the Foreigners and Passport Office's order is served. The Foreigners and Passport Office shall immediately submit the necessary files to the Regional Court, together with a statement from the facility director and the detained person. No oral hearing shall take place. The Regional Court's decision must be served within 24 hours. A judicial review shall take place only if the measure is upheld.

Art. 63

Detention

Costs

Detention costs shall be borne by the state unless they can be imposed in whole or in part on the person concerned or third parties because their conduct contributed to the detention.

XI. Obligatio

ns Art. 64

Possession of a valid passport

Foreign nationals must be in possession of a valid passport throughout their entire stay.

Art. 65 Duty to

Cooperate

Foreign nationals and third parties involved in proceedings under this Act are obligated to cooperate in establishing the facts relevant to the application of this Act. In particular, they must:

- a) provide truthful and complete information regarding the facts relevant to the determination of residency;
- b) submit the necessary supporting documents without delay or make every effort to obtain them within a reasonable period of time;
- c) obtain their passport or cooperate with the authorities in obtaining it.

Art. 66

Employers' Duty of Care

Before the foreign national begins employment, the employer must verify, by inspecting the residence permit or by inquiring with the Office of Immigration and Passports, that the foreign national is authorized to engage in gainful employment in Switzerland.

XII. Duties and Responsibilities Art.

67

Responsibilities

- 1) The government is responsible—with the exception of the cases under Art. 26 para. 4—for deciding on the initial issuance of a residence permit for employment.
- 2) The Office of Foreigners and Passports is responsible for:
 - a) the issuance, refusal, and extension of permits; paragraph 1 remains reserved;
 - b) concluding integration agreements pursuant to Art. 41;
 - c) issuing and amending confirmations, residence permits, cross-border commuter permits, and visas;
 - d) verifying the living arrangements of foreign nationals subject to authorization in cooperation with the municipalities;
 - e) ordering measures pursuant to Articles 8, 38, 39, 47 through 54, 56(1), and 89;
 - f) the provision of financial contributions for projects promoting integration pursuant to Art. 43(2)(a);
 - g) the enforcement of penalties for violations under Article 87;
 - h) the performance of other duties not expressly assigned to other authorities.
- 3) The State Police is responsible in particular for:
 - a) the enforcement of coercive measures pursuant to Art. 55 et seq. and Art. 69a, unless other authorities are responsible;
 - b) the confiscation and seizure of travel documents pursuant to Art. 88.
- 4) The District Court is responsible in particular for:
 - a) the appointment of a guardian pursuant to Art. 50(2a);
 - b) ordering searches pursuant to Art. 56(2);
 - c) the review and release from detention pursuant to Art. 60, paras. 3 and 4;
 - d) the extension of detention pursuant to Art. 61(4);

e) the prosecution of offenses under Articles 83 through 86, as well as of misdemeanors under Article 86a and, to the extent that proceedings are consolidated pursuant to Article 87a, under Article 87.

5) The Office of Social Services is responsible for providing financial contributions for integration measures under Art. 43, unless the Office of Foreigners and Passports is responsible under para. 2(f).

Art. 68 Exercise of

Discretion

1) In exercising their discretion, the competent authorities shall take into account the public interests of the state as well as the personal circumstances and the degree of integration of the foreign nationals.

2) If a measure is justified but not appropriate under the circumstances, the person concerned may be issued a warning under threat of this measure. Art. 69

Administrative Assistance and Interagency Cooperation

1) The offices of the state administration, municipalities, courts, and the AHV/IV/FAK institutions shall support the offices and authorities entrusted with the enforcement of this Act in the performance of their duties under this Act. They shall provide the necessary information and, upon request, grant access to official files.

1a) The tax administration shall, upon request, provide the Office of Foreigners and Passports with all data and information necessary to assess the requirements for the issuance, revocation, or expiration of a permit.

2) The authorities and agencies referred to in paragraph 1 must, without being asked and without delay, provide the Office of Immigration and Passports with the necessary personal data—including special categories of personal data, as well as personal data regarding criminal convictions and offenses—and information about foreign nationals if:

a) the person does not possess a residence permit and is either in police custody or in pretrial detention;

b) criminal proceedings have been initiated for a felony or misdemeanor, or a criminal judgment has been rendered;

c) civil proceedings concerning civil status, custody rights, adoption, or the determination of paternity have been initiated;

- d) an application for a marriage license has been dismissed;
- e) the amount of financial assistance received since the permanent residence permit was granted exceeds 75,000 Swiss francs;
- f) a decision has been made to terminate unemployment insurance benefits;
- g) there are indications that the person has their center of life or residence abroad; or
- h) there are indications that the person is residing in Liechtenstein without the appropriate permit.

Art. 69a

Use of Coercive Measures and Police Measures by the National Police

1) Within the scope of its authority, the National Police may use police coercion and police measures to fulfill its duties, to the extent that the legal interests to be protected justify such action.

2) The Government shall regulate the details by ordinance. Art. 69b

International Treaties

The government may conclude agreements with foreign states or international organizations regarding visa and readmission matters.

XIII. Data Processing and Data Protection

Art. 70

Processing of Personal Data

The authorities responsible for enforcing this Act may process or have processed personal data, including special categories of personal data as well as personal data concerning criminal convictions and offenses, of foreign nationals and of third parties involved in proceedings under this Act, to the extent necessary to fulfill their duties under this Act.

Art. 70a

Data Collection for Identification

1) To establish and verify the identity of a foreign national, the Office of Immigration and Passports and the State Police may order the collection of biometric data and process such data when verifying entry requirements and in proceedings under immigration law.

2) The government shall determine by ordinance:

- a) the biometric data that may be collected;
- b) the procedure for data collection;
- c) access to this data. Art. 70b

Biometric Data for Identification Documents

- 1) The Office of Foreigners and Passports may collect the biometric data required for the issuance of an identity document and process it for the production of an identity document.
- 2) The fingerprints required for the issuance of an identity document shall be deleted on the day the identity document is handed over or mailed, but no later than 30 days after they were collected.
- 2a) The facial image required for the issuance of an identification document is stored in the automated registries and may be processed for the purposes set forth in Article 75(2).
- 3) The government may, by ordinance, provide for exceptions to paragraph 2 for certain groups of persons based on age or physical or mental conditions.

Art. 70c

Transfer of Personal Data to Third Countries

- 1) The Office of Foreigners and Passports and the State Police may, for the purpose of fulfilling their duties, in particular to combat criminal offenses under this Act, transfer personal data, including special categories of personal data as well as personal data regarding criminal convictions and offenses, of foreign nationals to foreign authorities and international organizations entrusted with corresponding tasks in accordance with data-protection legislation.
- 2) The following personal data may be transferred:
 - a) the personal details (surname, first name, aliases, date of birth, place of birth, gender, nationality, last address in the home or country of origin) of the foreign national and, where necessary, of their relatives;
 - b) information regarding the passport or other identity documents;
 - c) biometric data;
 - d) other data necessary for the identification of a person;
 - e) information regarding the state of health, provided this is in the interest of the data subject and the data subject has been notified;

f) the data necessary to ensure entry into the destination country and the safety of accompanying persons;

g) Information regarding places of residence and travel routes;

h) Information regarding the regulation of residence and visas issued. Art. 70d

Transfer of personal data to the home or country of origin

For the enforcement of deportations or expulsions to the home or country of origin, the Office of Foreigners and Passports and the State Police may only transfer the following personal data to the foreign authorities entrusted with the relevant tasks if this does not endanger the foreign national or their relatives:

a) the personal details (last name, first name, aliases, date of birth, place of birth, gender, nationality, parents' last and first names, and last address in the home or country of origin) of the foreign national and, if necessary, of the family members;

b) Information regarding the passport or other forms of identification;

c) biometric data;

d) other data necessary to identify a person;

e) Information regarding the individual's health, provided that this is in the individual's best interest and the individual has been notified;

f) the data necessary to ensure entry into the destination country and the safety of accompanying persons.

Art. 70e

Transfer of Personal Data under Readmission Agreements

1) The Office of Foreigners and Passports and the State Police may, within the framework of readmission agreements, transfer the necessary personal data—including special categories of personal data as well as personal data regarding criminal convictions and offenses—even to states that do not have data protection equivalent to that in Switzerland. In such cases, the transfer is governed by the conditions set forth in Art. 49 of Regulation (EU) 2016/679.

2) For the purpose of readmitting its nationals, the following data may be transferred to another contracting state:

- a) the personal details (surname, first name, aliases, date of birth, place of birth, gender, nationality, last address in the home or country of origin) of the foreign national and, if necessary, of their family members;
- b) information regarding the passport or other identity documents;
- c) biometric data;
- d) other data necessary for the identification of a person;
- e) information regarding the state of health, provided this is in the interest of the person concerned and the person has been notified;
- f) the data necessary to ensure entry into the destination country and the safety of the accompanying persons;
- g) Information regarding criminal proceedings, to the extent that this is necessary in the specific case for the processing of the readmission and for the maintenance of public safety and order in the home country, and provided that this does not endanger the person concerned.

Art. 71

Art. 71a

XIIIa. Information Systems

A. Entry/Exit System (EES) Art. 71b

Entry/Exit System

1) The Entry/Exit System (EES) contains, in accordance with Regulation (EU) 2017/2226, the personal data of third-country nationals who enter the Schengen Area for a stay of no more than 90 days per 180-day period or who are refused entry into the Schengen Area.

2) The following categories of data are transmitted to the EES via the national interface:

- a) identity data on the third-country nationals concerned, as well as data on their travel documents;
- b) the facial image;
- c) data on issued visas, if a visa requirement applies.

3) If the third-country nationals are not subject to a visa requirement, the competent authority shall, in addition to the data referred to in paragraph 2, collect their fingerprints and transmit them to the EES.

4) The EES data referred to in paragraph 2(a) and (b) and in paragraph 3 are automatically stored in the Common Identity Repository (CIR).

Art. 71c

Collection, processing, and retrieval of data in the EES

- 1) The Office of Foreigners and Passports may enter, process, and retrieve data in the EES online in accordance with Regulation (EU) 2017/2226.
- 2) The State Police may retrieve data from the EES online.
- 3) The authorities referred to in paragraphs 1 and 2 may retrieve online the data provided by the automated calculation system pursuant to Article 11 of Regulation (EU) 2017/2226.
- 4) The State Police may request EES data from the central access point pursuant to Article 71f(c) for the purpose of preventing, detecting, or investigating terrorist or other serious criminal offenses.

Art. 71d

Transfer of EES Data

- 1) Data obtained from the EES may not, as a general rule, be transmitted to third countries, international organizations, private entities, or natural persons.
- 2) However, the Office of Foreigners and Passports and the State Police may transfer data to a state not bound by the Schengen acquis or to an international organization listed in Annex I to Regulation (EU) 2017/2226, if this is necessary to verify the identity of a third-country national for the purpose of return or for security purposes and the conditions under Art. 41 of Regulation (EU) 2017/2226 are met.
- 3) Article 76i applies to EES data stored in the CIR. Article 71e

Exchange of information with EU Member States that do not apply Regulation (EU) 2017/2226

EU Member States for which Regulation (EU) 2017/2226 has not yet entered into force or does not apply may address their requests for information to the authorities pursuant to Article 71c(1) and (2).

Art. 71f

Implementing provisions for the EES

The government shall regulate by ordinance:

- a) which units of the authorities under Article 71c(1) and (2) are subject to the powers specified therein;

- b) the procedure for the provincial police to obtain EES data pursuant to Article 71c(4);
- c) which unit of the State Police assumes the function of the central access point within the meaning of Article 29(3) of Regulation (EU) 2017/2226;
- d) the list of data in the EES and the access permissions of public authorities pursuant to Article 71c, paragraphs 1 and 2;
- e) the storage and deletion of data;
- f) the procedures regarding data security;
- g) responsibility for data processing;
- h) the list of criminal offenses pursuant to Article 71c(4);
- i) the procedure for the exchange of information pursuant to Article 71e;
- k) which government agencies may access the list of persons generated by the information mechanism who have exceeded the maximum permitted duration of stay in the Schengen Area.

B. European Travel Information and Authorization System (ETIAS) Art.

71g

Data from the European Travel Information and Authorization System

1) Under Regulation (EU) 2018/1240, the European Travel Information and Authorization System (ETIAS) contains the following data on third-country nationals who are exempt from the visa requirement and wish to enter the Schengen Area for a stay of 90 days within any 180-day period:

- a) identity data and travel document data;
 - b) information on approved or rejected applications for an ETIAS travel authorization.
- 2) ETIAS also contains a watchlist containing data on third-country nationals:
- a) who are suspected of having committed or participated in a terrorist offense or other serious criminal offense; or
 - b) for whom there are concrete indications or reasonable grounds to believe that they will commit or participate in a terrorist offense or other serious criminal offense.

3) The ETIAS data referred to in paragraph 1(a) are automatically stored in the CIR. Art.

71h

Application for an ETIAS travel authorization and review by ETIAS and the ETIAS Central Unit

The submission of the application for an ETIAS travel authorization, the automated verification by ETIAS, the manual verification by the ETIAS Central Unit, and the transmission of the case to the competent national ETIAS unit are carried out in accordance with Regulation (EU) 2018/1240.

Art. 71i

National ETIAS Unit

- 1) The Office of Foreigners and Passports is Liechtenstein's national ETIAS unit within the meaning of Art. 8 of Regulation (EU) 2018/1240. It reviews applications for ETIAS travel authorizations that fall within Liechtenstein's jurisdiction and, where necessary, ensures coordination with the other national ETIAS units and Europol.
- 2) The Office of Foreigners and Passports may consult other authorities or task them with further investigations as part of the review of applications for ETIAS travel authorizations. The government determines which authorities may be tasked with which investigations.
- 3) The Office of Foreigners and Passports conducts the necessary investigations if a comparison of the data of a person submitting an application for a visa or a short-stay, residence, settlement, or permanent residence permit yields a match with the national ETIAS watchlist. If there is a risk to internal security, the Office of Foreigners and Passports shall notify the competent authority within seven days of receiving the automatic notification from C-VIS.

Art. 71k

Issuance, Denial, Annulment, or Revocation of the ETIAS Travel Authorization

- 1) If there are no concrete indications or valid reasons to believe that the applicant's presence in the Schengen Area poses a risk of illegal migration or a risk to security or public health, the Office of Foreigners and Passports will issue the ETIAS travel authorization.
- 2) In exceptional cases, the Office of Foreigners and Passports may issue an ETIAS travel authorization with limited territorial validity for Liechtenstein on humanitarian grounds, for reasons of national interest, or due to international obligations.

3) ETIAS travel authorizations are valid for three years, but no longer than the expiration date of the travel document. They do not confer a right of entry.

4) The Office of Foreigners and Passports is responsible for the cancellation or revocation of ETIAS travel authorizations that have already been issued. If an ETIAS travel authorization is denied, canceled, or revoked, the Office of Foreigners and Passports issues a decision using a standard form.

Art. 71l

Recording and Retrieval of Data in ETIAS

1) The following authorities may collect and process data in ETIAS:

a) the Office of Foreigners and Passports: in the course of fulfilling its duties as the national ETIAS unit;

b) the State Police: for the entry of personal data into the ETIAS watchlist.

2) The following authorities or third parties may access ETIAS data online:

a) the Office of Foreigners and Passports:

1. to verify the requirements for entry into and residence in Liechtenstein;

2. to review visa applications and make the corresponding decisions in accordance with the Visa Code;

3. to verify the conditions for entry and residence of third-country nationals in Liechtenstein and to make the corresponding decisions;

b) the National Police: to verify the conditions for entry into and residence in Liechtenstein.

3) The National Police may request ETIAS data from the central access point pursuant to Art. 71n(c) for the purpose of preventing, detecting, or investigating terrorist or other serious criminal offenses.

Art. 71m

Transfer of ETIAS Data

1) Personal data stored in ETIAS may not be transferred to third countries, international organizations, private entities, or natural persons.

2) However, in the following cases, data may be transferred to a state that is not bound by the Schengen acquis:

a) by the Office of Foreigners and Passports, if this is necessary in individual cases for the return of a third-country national within the meaning of Art. 65(3) of Regulation (EU) 2018/1240;

b) by the state police in urgent exceptional cases where there is an imminent danger related to a terrorist offense or an imminent threat to life related to a serious criminal offense within the meaning of Article 65(5) of Regulation (EU) 2018/1240.

3) Article 76h applies to ETIAS data stored in the CIR. Article 71n

Implementing Provisions for ETIAS The

Government shall regulate by ordinance:

a) which government agencies, pursuant to Article 71l, are subject to the powers specified therein;

b) which ETIAS data the State Police may request pursuant to Article 71l(3), and the procedure for obtaining such data;

c) which unit of the State Police assumes the function of the central access point within the meaning of Article 50 of Regulation (EU) 2018/1240;

d) the list of data in ETIAS and the access authorizations of the authorities pursuant to Article 71l(1) and (2);

e) the storage and deletion of data;

f) the procedures regarding data security;

g) responsibility for data processing;

h) the list of criminal offenses pursuant to Article 71l(3);

i) the procedures for entering data into the ETIAS watchlist and deleting data from the ETIAS watchlist, as well as the restriction of the right of access regarding the watchlist;

k) which authority is to be informed by the Office of Foreigners and Passports pursuant to Art. 71i(3);

l) the other necessary procedures and processes for implementing Regulation (EU) 2018/1240.

Art. 72

Repealed Art.

73 Repealed

Repealed

C. Central Visa Information System (C-VIS) and National Visa System

Art. 74a

Central Visa Information System (C-VIS)

1) The Central Visa Information System (C-VIS) contains visa data as well as data on residence permits for third-country nationals collected by all states for which Regulation (EC) No. 767/2008 is in force.

1a) The identity data of persons submitting an application for a visa or a residence permit, the data on travel documents, and the biometric data from the C-VIS are automatically stored in the CIR.

2) The following authorities may access C-VIS data online:

a) the Office of Foreigners and Passports:

1. as part of the visa procedure;
 2. to determine the State responsible for examining an asylum application pursuant to Regulation (EU) No. 604/2013;
 3. in the context of the examination of an asylum application, where Liechtenstein is responsible for processing the asylum application;
 4. in the performance of its duties as the national ETIAS unit;
 5. for the issuance of short-stay, residence, long-term residence, and settlement permits;
- b) those units of the National Police that conduct identity checks: to identify persons who do not or no longer meet the requirements for entry into the territory of Liechtenstein or for residence in Liechtenstein;
- c) the central access point pursuant to Art. 74e(c): for the prevention, detection, or investigation of terrorist offenses or other serious criminal offenses within the meaning of Regulation (EC) No. 767/2008.

3) The units of the State Police responsible for preventing and combating terrorist or other serious crimes may, pursuant to Regulation (EC) No. 767/2008, request certain C-VIS data from the central access point in accordance with Article 74e(c).

4) The state police units referred to in paragraph 3 may access the C-VIS online to establish the identity of persons who are victims of human trafficking, accidents, or natural disasters, and of missing persons, in accordance with Article 22p of Regulation (EC) No. 767/2008.

Art. 74b

National Visa System

1) The Office of Immigration and Passports operates a national visa system. The system is used to register visa applications and issue visas granted by Liechtenstein. In particular, it contains the data that is automatically transmitted via the national interface (N-VIS) to the C-VIS and from the C-VIS to the national visa system.

2) The national visa system contains the following categories of data on visa applicants:

a) alphanumeric data on the applicant and on visas applied for, issued, refused, annulled, revoked, or extended;

b) the applicant's facial image and fingerprints;

c) the links between specific visa applications;

d) the data from the SIS to which the visa authorities have access, provided that an alert has been issued pursuant to Regulation (EU) 2018/1861 and Regulation (EU) 2018/1860.

3) The Office of Foreigners and Passports may process data in the national visa system, in particular enter, modify, delete, or retrieve data, in order to fulfill its duties within the framework of the visa procedure.

4) The Office of Foreigners and Passports must enter and process the data of visa applicants transmitted to the C-VIS in accordance with Regulation (EC) No. 767/2008.

Art. 74c

Querying the National Visa System

The Office of Foreigners and Passports grants the State Police online access to the data of the national visa system to the extent necessary for the performance of its duties.

Art. 74d

Exchange of information with EU Member States for which Regulation (EC) No. 767/2008 has not yet entered into force

Member States of the European Union for which Regulation (EC) No 767/2008 has not yet entered into force may submit their requests for information to the central access point (Art. 74e(c)).

Art. 74d

National VIS Unit

1) The national unit referred to in Article 9d of Regulation (EC) No. 767/2008 shall, within two working days, conduct a manual verification of police-related hits concerning persons who have submitted an application for a visa or a short-stay

, residence, long-term residence, or settlement permit.

2) The national unit may request further information about the person in question from the cantonal police or another authority. If, following verification, it concludes that there is a threat to public safety, it shall inform the authorities responsible for visas or residence of this in a reasoned statement within seven days of receiving the automatic notification from C-VIS.

3) In the event of false hits, the data shall be deleted immediately.

Art. 74d

Use of C-VIS Data within the Framework of the SIS

1) The authorities responsible for issuing alerts for missing or vulnerable persons pursuant to Art. 32 of Regulation (EU) 2018/1862 may, for the purpose of fulfilling this task, request the relevant personal data from the C-VIS via the central access point pursuant to Art. 74e(c).

2) In the event of hits on SIS alerts resulting from the use of C-VIS data pursuant to paragraph 1, the Office of Social Services, as well as the courts and the public prosecutor's office, may request from the Office of Immigration and Passports the C-VIS data they require to perform their duties.

Art. 74d

Transfer of C-VIS Data to Third Parties

1) Data stored in the C-VIS may not be transmitted to third countries, international organizations, private entities, or natural persons.

2) However, the Office of Foreigners and Passports may transmit this data to a state not bound by the Schengen acquis or to an international organization if the data is required to establish the identity of third-country nationals subject to a return obligation or in the context of proceedings under Art. 32(5)

or Art. 46 of the Asylum Act and the conditions under Art. 31(2) and (3) of Regulation (EC) No. 767/2008 are met.

3) The authorities referred to in Art. 74a(3) may transmit this data to a state not bound by the Schengen acquis or to an international organization in urgent exceptional cases where there is an imminent danger in connection with a terrorist offense or an imminent threat to life in connection with a serious criminal offense within the meaning of Art. 31(5) of Regulation (EC) No. 767/2008.

Art. 74e

Implementing Provisions for the Visa Information Systems The
Government shall regulate by ordinance:

- a) the government agencies to which the powers specified in Article 74a, paragraphs 2 and 3, and Article 74b, paragraph 3, apply;
- b) the procedure for the authorities to obtain data from the C-VIS pursuant to Article 74a(3);
- c) which unit of the State Police assumes the function of the central access point pursuant to Article 221(3) of Regulation (EC) No 767/2008;
- d) the scope of online access to the C-VIS and to the national visa system;
- e) which data are recorded in the national visa system and the access rights of the authorities pursuant to Article 74c;
- f) the procedure for the exchange of information pursuant to Article 74d;
- g) the storage of data and the procedure for its deletion;
- h) the arrangements regarding data security;
- i) responsibility for data processing;
- k) the list of criminal offenses pursuant to Article 74a(2)(c) and (3);
- l) which authority or authorities assume the function of the National VIS Office pursuant to Article 9d of Regulation (EC) No 767/2008;
- m) the limitations on the obligation to provide information regarding opinions of the National VIS Office or the National ETIAS Office concerning internal security;
- n) which data are automatically transmitted to the C-VIS when an application is made for a long-stay visa or during a procedure for the issuance of a short-stay, residence,

long-term residence, or settlement permit.

D. Eurodac

Art. 74f

Data collection and transmission in Eurodac

1) The Office of Immigration and Passports and the National Police may take fingerprints of all fingers from foreign nationals over the age of 14 who are residing illegally in the country to verify whether they have already filed an asylum application in another state bound by the applicable Dublin acquis.

2) The fingerprints taken pursuant to paragraph 1 shall be transmitted to the Central Unit together with the Liechtenstein identification number.

3) The personal data stored in Eurodac may not be transmitted to:

- a) a state that is not bound by the Dublin acquis;
- b) international organizations;
- c) private entities.

Art. 74g

Access to Eurodac data in the context of the visa procedure

The Office of Foreigners and Passports may query Eurodac data online as part of the visa procedure within the meaning of Art. 22a of Regulation (EU) No. 603/2013.

Art. 74h

Data comparison in Eurodac for the prevention, detection, or investigation of terrorist offenses or other serious crimes

1) The Office of Foreigners and Passports, as the national access point, may, subject to paragraph 4, on the basis of Article 19 of Regulation (EU) No. 603/2013, for the prevention, detection, or investigation of terrorist offenses or other serious crimes within the meaning of the Annex to the Police Act, compare fingerprints with the data stored in the Eurodac central system.

2) The units of the State Police responsible for the prevention and combating of terrorist or other serious crimes may, within the scope of their statutory duties, request a comparison of fingerprints in Eurodac from the national verification unit pursuant to paragraph 3.

3) The Government shall determine by regulation which unit of the State Police shall perform the function of the national verification unit pursuant to Article 6 of Regulation (EU) No. 603/2013

This unit verifies whether the requirements for a comparison in Eurodac under Article 20 of Regulation (EU) No. 603/2013 are met.

4) If the conditions under paragraph 3 are met, the national verification unit initiates the query in Eurodac. The comparison of fingerprints in Eurodac is carried out automatically by the Office of Foreigners and Passports or, outside office hours, by the State Police.

5) In urgent exceptional cases pursuant to Article 19(3) of Regulation (EU) No. 603/2013, the national verification authority may immediately trigger the query in Eurodac and subsequently verify whether all requirements under paragraph 3 are met.

E. Other Automated Registers Art.

75

Processing of personal data in automated registers

1) The Office of Foreigners and Passports maintains automated registers for the processing of personal data pursuant to Art. 70.

2) The registers referred to in paragraph 1 serve the following specific purposes:

- a) Issuance of residence permits;
- b) Issuance and verification of visas;
- b) Issuance and verification of ETIAS travel authorizations;
- c) Issuance of assurances regarding residence status;
- d) Issuance of residence confirmations;
- e) Verification of the right to stay and residence, as well as departure;
- f) Processing of notifications, in particular arrival, change of address, and departure;
- g) Administrative deregistration following naturalization;
- h) Recording of administrative measures (entry bans, expulsion, detention); and
- i) Recording of grounds for revocation and administrative proceedings.

Art. 76

Transfer of personal data from automated registers

1) The Office of Foreigners and Passports may, upon request, transfer personal data—including special categories of personal data as well as personal data regarding criminal convictions and offenses—from the registers referred to in Art. 75 within the framework of administrative assistance, in particular to:

- a) the State Police for control and enforcement tasks;

~~(AuG)~~

- b) the AHV/IV/FAK institutions for the assessment of benefit applications by foreign nationals and the calculation of the benefits to which they are entitled; and
- c) the Office of Statistics for the compilation of statistics.

2) As a general rule, data referred to in paragraph 1 may not be disclosed to third parties who are not involved.

3) The transmission may take place via an on-demand procedure. The government shall regulate the details, in particular regarding access rights, by ordinance.

XIIIb. Interoperability between the Schengen/Dublin Information Systems

A. Joint Service for the Comparison of Biometric Data (sBMS) Art. 76a

Content and Purpose

1) The Shared Biometric Matching Service (sBMS) pursuant to Regulations (EU) 2019/817 and (EU) 2019/818 contains the biometric feature data (templates) generated from the biometric data of the following Schengen/Dublin Information Systems:

- a) EES;
- b) C-VIS;
- c) Eurodac;
- d) SIS.

2) It also contains a reference to the respective information system from which the data originates, as well as a reference to the actual data records in that system.

3) It enables cross-system queries of the information systems referred to in paragraph 1 using biometric data.

B. Common Identity Repository (CIR) Art. 76b

Content of the Common Identity Repository (CIR)

1) The Common Identity Repository (CIR) established by Regulations (EU) 2019/817 and (EU) 2019/818 contains the identity data, travel document data, and biometric data of third-country nationals recorded in the following Schengen/Dublin Information Systems:

- a) EES;
- b) ETIAS;
- c) C-VIS;
- d) Eurodac.

2) It also contains a reference to the respective information system from which the data originates, as well as a reference to the actual data records in that system.

Art. 76c

CIR query for identification purposes

1) The CIR may be queried by the cantonal police for the purpose of identifying:

a) third-country nationals, provided the conditions under Art. 20(1) of Regulations (EU) 2019/817 and (EU) 2019/818 are met;

b) unknown persons who cannot provide identification, or unidentified human remains in the event of an accident, a natural disaster, or a terrorist attack.

2) Searches pursuant to paragraph 1(a) are permitted only for the purpose of preventing and combating illegal immigration, protecting public safety and order, and safeguarding internal security.

3) For persons referred to in paragraph 1(a), the query is conducted using the biometric data collected from the person on-site during an identity check. If the biometric data of this person cannot be used or if the query based on this data is unsuccessful, the query is conducted using identity data or data from travel documents.

4) For persons referred to in paragraph 1(b), the query is based on biometric data. Art. 76d

Search of the CIR for the Purpose of Detecting Multiple Identities

1) The Office of Foreigners and Passports and the State Police may access the data and references stored in the CIR to detect multiple identities of third-country nationals if:

a) there is a link to an alert in the SIS;

b) there is a link to a personal EES dossier containing the personal data specified in Articles 16 to 18 of Regulation (EU) 2017/2226;

c) there is a link to a personal dossier in C-VIS;

d) there is a link to a personal ETIAS application record containing the data referred to in Article 19(3) of Regulation (EU) 2018/1240.

1a) The Office of Foreigners and Passports may also access the data and references stored in the CIR for the purposes set forth in paragraph 1 if there is a link to a personal file in the C-VIS concerning the issuance of a residence permit.

2) If there is a link in the CIR between data from multiple information systems that indicates identity fraud, the authorities may query the data and references stored in the CIR, provided they have access to the CIR, the EES, the ETIAS, the C-VIS, Eurodac, or the SIS under this Act or police legislation.

Art. 76e

Searching the CIR for the purpose of preventing, detecting, or investigating terrorist offenses or other serious crimes

1) The State Police may, in individual cases, query the CIR for the purpose of preventing, detecting, or investigating terrorist offenses or other serious criminal offenses if the conditions set forth in Art. 22(1) of Regulations (EU) 2019/817 and 2019/818 are met.

2) If the query reveals that data is stored in the CIR, the result displayed will be a reference to the relevant Schengen/Dublin Information System.

3) To obtain the data from this information system, the state police must request this data from the competent central access point. The requirements and procedures applicable to the respective information system apply.

C. European Search Portal (ESP)

Art. 76f

Content and Purpose of the European Search Portal (ESP)

1) The European Search Portal (ESP), established under Regulations (EU) 2019/817 and (EU) 2019/818 enables cross-system queries of the EES, C-VIS, ETIAS, Eurodac, SIS, Interpol's Stolen and Lost Travel Documents (SLTD) and Travel Documents Associated with Notices (TDAWN) databases, Europol data, and the CIR.

2) Authorities authorized to access at least one of the information systems referred to in paragraph 1 may access the ESP via the retrieval procedure.

3) The query is based on identity data, travel document data, or biometric data.

4) The authorities are shown only the data from those information systems referred to in paragraph 1 to which they have access, as well as the nature of the link between the data in accordance with Articles 30 to 33 of Regulations (EU) 2019/817 and (EU) 2019/818.

D. Multiple Identity Detector (MID) Art. 76g

Purpose and Content of the Multiple Identity Detector (MID)

1) The Multiple Identity Detector (MID) established under Regulations (EU) 2019/817 and (EU) 2019/818 is used for identity verification and to combat identity fraud.

2) When data is entered or updated in the EES, ETIAS, C-VIS, SIS, or Eurodac, a check for multiple identities is automatically triggered in the CIR and SIS.

3) During this check, the following data is compared with the data already available in the CIR and SIS:

a) in the sBMS: the templates;

b) in the ESP: identity data and travel document data.

4) If there is a link between the data in accordance with Articles 30 to 33 of Regulations (EU) 2019/817 and (EU) 2019/818, an identity confirmation file is created and stored in the MID in accordance with Article 34 of these Regulations.

Art. 76h

Manual verification of different identities in the MID

1) The Office of Foreigners and Passports and the State Police may access the data stored in the MID for the purpose of manually verifying various identities.

2) The authority responsible for manually verifying the various identities is the authority that enters or updates data in the Schengen/Dublin Information Systems pursuant to Article 76g(2). In cases involving links to SIS alerts in the police sector, the SIRENE Bureau is responsible.

3) The manual verification of the various identities is carried out in accordance with Article 29 of Regulations (EU) 2019/817 and (EU) 2019/818.

(AuG)

4) If, during manual verification, it is determined that an illegal multiple identity exists or that a person is recorded in multiple Schengen/Dublin information systems, the procedure is governed by Articles 32 and 33 of Regulations (EU) 2019/817 and (EU) 2019/818.

E. Data Transmission and Responsibility for Data Processing Art. 76i

Transmission of data from the sBMS, the CIR, and the MID

The transmission of data from the sBMS, the CIR, and the MID is governed by Article 50 of Regulations (EU) 2019/817 and (EU) 2019/818.

Article 76k

Responsibility for data processing in the sBMS, the CIR, and the MID

Responsibility for the processing of data in the sBMS, the CIR, and the MID is governed by Article 40 of Regulations (EU) 2019/817 and (EU) 2019/818.

XIIIc. Data Protection within the Framework of the Schengen Acquis Applicable to Liechtenstein

Art. 77

Transfer of personal data

1) The transfer of personal data, including special categories of personal data as well as personal data on criminal convictions and offenses, to the competent authorities of Schengen States is treated as equivalent to the transfer of such data between domestic authorities.

2) The Office of Foreigners and Passports shall transmit personal data to the European Agency responsible for the surveillance of the Schengen external borders in accordance with Article 70c(2), provided that the Agency requires such data to fulfill its tasks under Regulation (EU) 2019/1896. Such transmission shall be treated as equivalent to the transmission of such data between domestic authorities.

Art. 78

Data Processing in Connection with Visa Applications in Accordance with the Schengen Acquis Applicable to Liechtenstein

1) The Office of Foreigners and Passports is the central authority for consultations in connection with visa applications pursuant to the Schengen acquis applicable to Liechtenstein.

2) In this capacity, it may, using automated procedures, transmit and retrieve data of the following categories:

- a) the diplomatic or consular mission to which the visa application was submitted;
 - b) the identity of the person concerned (last name, first name, date of birth, place of birth, nationality, place of residence, occupation, and employer) as well as, if necessary, the identity of their family members;
 - c) information regarding identity documents;
 - d) Information regarding places of residence and travel routes.
- 3) Authorized diplomatic missions may exchange with their partners from Schengen States the data necessary for consular cooperation on the ground, specifically information regarding the use of forged or falsified documents and regarding human trafficking networks, as well as data falling within the categories mentioned in paragraph 2.
- 4) The Government may adapt the categories of personal data referred to in paragraph 2 to the latest developments in the Schengen acquis applicable to Liechtenstein. To this end, it shall consult the Data Protection Authority.

Art. 79

Duty to Inform When Collecting Personal Data and the Right of Access of Data Subjects

The duty to provide information when collecting personal data and the right of access of data subjects are governed by data protection legislation. Art. 79a

Repealed Art.

80 Repealed

XIV. Legal

Protection Art. 81

Remedies

- 1) Decisions by the Office of Foreigners and Passports may be appealed within 14 days of notification by filing an appeal with the Office of Foreigners and Passports or a complaint with the government; in administrative penalty matters, a complaint may be filed with the Appeals Commission for Administrative Matters.
- 2) Decisions by the Government may be appealed to the Government or challenged before the Administrative Court within 14 days of service;

decisions of the Appeals Commission for Administrative Matters, an appeal may be filed with the Administrative Court.

3) Art. 50(2) and Art. 51(2) remain reserved.

4) Section 46a of the Act on General State Administration does not apply.

Art. 82 Appeal

Proceedings

1) The Administrative Court's power of review is limited to questions of law and fact. Discretionary decisions are reviewed exclusively on legal grounds.

2) In appeal proceedings, new facts and evidence may be presented only if they already existed at the time of the first-instance decision but were demonstrably unknown to the appellant or could not have been known to the appellant even with the exercise of due diligence.

XV. Criminal Provisions and Administrative Sanctions Art.

83

Illegal Residence

1) The Regional Court shall impose a prison sentence of up to one year or a fine of up to 360 daily rates on anyone who resides in the country unlawfully, namely after the expiration of a residence period that does not require authorization or of an authorized residence period.

2) The District Court shall impose a fine of up to 360 daily rates on anyone who commits the offense through negligence.

3) Prosecution may be waived for foreigners present unlawfully, provided they are immediately deported.

Art. 84

Facilitation of Illegal Entry and Illegal Residence

1) The District Court shall impose a prison sentence of up to one year or a fine of up to 360 daily rates on anyone who:

a) enables, facilitates, or assists in the preparation of a foreign national's unlawful entry into or residence in the country;

b) facilitates or assists in preparing a foreign national's unlawful entry into, transit through, or exit from, or unlawful residence in, a Schengen State from within the country.

2) The Regional Court shall impose a fine of up to 360 daily rates on anyone who commits the offense under paragraph 1 through negligence.

3) A person who commits the offense under paragraph 1 with the intent to unlawfully enrich themselves or another person shall be punished by imprisonment for up to three years or a fine of up to 360 daily rates.

4) Any person who commits the offense described in paragraph 1:

a) commits the offense on a commercial basis;

b) commits the offense with respect to at least three foreign nationals; or

c) commits the offense in a manner that subjects the foreign national, particularly during transport, to a state of suffering for an extended period of time.

5) Any person who commits the offense described in paragraph 1:

a) as a member of a criminal organization; or

b) commits the offense in such a manner that the life of the foreign national to whom the offense relates is endangered.

6) Paragraphs 1 through 5 apply to offenses committed abroad, regardless of the criminal laws of the place where the offense was committed, if the offense has harmed Liechtenstein's interests.

Art. 85

The production, use, and procurement of forged identification documents, as well as the unlawful use or transfer of genuine identification documents

1) The District Court shall impose a prison sentence of up to one year or a fine of up to 360 daily rates on anyone who:

a) manufactures false identity documents under immigration law, or falsifies genuine ones, or uses or procures such documents;

b) uses genuine identity documents to which they are not entitled; or

c) provides genuine identity documents to unauthorized persons for their use.

2) The penalty is imprisonment for up to three years or a fine of up to 360 daily rates if the offender:

a) acts with the intent to unlawfully enrich themselves or another person; or

b) acts on behalf of a criminal organization.

Art. 86

Deception of the Authorities

1) The District Court shall impose a prison sentence of up to one year or a fine of up to 360 daily rates on anyone who deceives the authorities entrusted with the enforcement of this Act by providing false information or concealing material facts, thereby fraudulently obtaining a permit for themselves or others or causing the revocation of a permit to be withheld.

2) The District Court shall impose a prison sentence of up to one year or a fine of up to 360 daily rates on anyone who, with the intent to circumvent the provisions governing the admission and residence of foreigners, enters into a marriage or registered partnership with a foreigner, or arranges, promotes, or facilitates the conclusion of such a marriage or registered partnership.

3) The penalty is imprisonment for up to three years or a fine of up to 360 daily rates if the offender:

- a) acts with the intent to unlawfully enrich themselves or another person; or
- b) acts on behalf of a criminal organization.

Art. 86a

Improper processing of personal data in the information systems under this Act

1) The processing of personal data in the information systems under this Act must be proportionate to the objectives pursued and may only take place to the extent necessary for the fulfillment of the statutory duties of the competent authorities.

2) The District Court shall impose a fine of up to 10,000 Swiss francs for a violation on anyone who intentionally processes personal data in the information systems under this Act for purposes other than those provided for by law.

Art. 87

Other Offenses

Subject to Art. 87a, the Office of Immigration and Passports shall impose a fine of up to 10,000 Swiss francs for a violation on anyone who, intentionally or negligently:

- a) violates the entry regulations under Art. 7;
- b) violates the registration or deregistration requirements;
- c) engages in gainful employment without the required authorization;
- d) provides a foreign national with gainful employment without the required authorization or employs a foreign national without the required authorization;

- e) fails to comply with the conditions attached to the permit;
- f) fails to comply with the obligation to cooperate; or
- g) violates implementing regulations of this Act, the violation of which is declared a criminal offense.

Art. 87a

Consolidation of Proceedings

- 1) If the Regional Court has jurisdiction based on an offense under the Criminal Code or Articles 83 through 86a, it shall also have jurisdiction, in lieu of the Office of Immigration and Passports, to prosecute violations under Article 87.
- 2) Where multiple criminal offenses occur concurrently, Article V, paragraph 5 of the Criminal Law Amendment Act applies.

Art. 88

Confiscation and Seizure of Travel Documents

Falsified and forged travel documents, as well as genuine travel documents that have been misused, shall be seized by the Office of Foreigners and Passports, border posts, and the State Police for the purpose of preserving evidence until the final conclusion of criminal proceedings under Article 85. Upon the final conclusion of criminal proceedings, the seized documents shall be secured by the State Police for transfer to the rightful owner.

Art. 89

Administrative Sanctions and Cost Reimbursement

- 1) If an employer has violated the provisions of this Act and has been repeatedly penalized for this within a period of three years, the Office of Foreigners and Passports shall, for a period of two years from the date the final decision becomes legally binding, reject any future applications by that employer for the admission of foreign workers who are not entitled to a permit.
- 2) An employer who has employed or intended to employ foreign workers subject to authorization requirements who are not authorized to engage in gainful employment shall bear the costs incurred by the state for the living expenses, medical care in the event of accident or illness, and return travel of the persons concerned, to the extent that such costs are not covered.

XVI. Fees Art.

90 Fees

1) Fees shall be charged for official acts under this Act, in particular for the issuance and revocation of permits as well as for special services.

2) The government shall determine the amount of the fees by ordinance.

XVII. Transitional and Final Provisions Art. 91

Implementing Ordinances

The government shall issue the ordinances necessary for the implementation of this Act.

Art. 92 Transitional Provisions

1) Proceedings pending at the time this Act enters into force shall be governed by the law previously in force.

2) In cases where the deadline for applying for family reunification set forth in Art. 34(1)(a) expires within six months of the entry into force of this Act, the deadline is extended by eighteen months.

3) This Act applies to offenses committed prior to its entry into force, provided that the act was also punishable under previous law and this Act is more lenient toward the offender.

Art. 93

Repeal of Previous Law

The Act of March 11, 1999, on the merger of the Passport Office and the Immigration Police and the renaming of the office to the Office of Foreigners and Passports, LGBL 1999 No. 88, is repealed.

Art. 94 Entry

into force

1) This Act shall enter into force, subject to paragraph 2, simultaneously with the Constitutional Act of September 17, 2008, on the Amendment of the Constitution of October 5, 1921.

2) The government shall determine the date of entry into force of Article 2(3), Article 7(4), and Articles 51, 77, 78, and 80 by regulation. The date of entry into force shall be set no later than the date on which the Protocol of

February 28, 2008, between the European Union, the European Community, and the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between

the European Union, the European Community, and the Swiss Confederation on the association of the Swiss Confederation with the implementation, application, and development of the Schengen acquis.

AuG

On behalf of the Prince: signed *Alois*

Crown Prince

signed *Otmar Hasler*

Princely Head of Government

VI. Appeals Commission Act

of October 25, 2000

I hereby approve the following resolution adopted by the State Parliament:

Art. 1

Establishment

- 1) Pursuant to Article 78, paragraph 3, of the Constitution, a Commission on Administrative Appeals is hereby established.
- 2) The members and alternate members are elected by the State Parliament for a term of four years and must take an oath of office before the Government.
- 3) Members of the Government as well as employees of the Province and the municipalities are excluded from election to the Appeals Commission.

Art. 2

Composition

- 1) The Appeals Commission for Administrative Matters consists of five members. Two alternate members are also appointed. The State Parliament appoints the President and the Vice President.
- 2) The terms “President” and “Vice President” refer to both men and women.
- 3) The President and Vice President must be legally qualified. Art. 3

Quorum and Organization

- 1) The Appeals Commission has a quorum when at least four members, including the President or Vice President, are present. In the event of a tie, the President or Vice President has the casting vote.
- 2) The provisions of the Provincial Administrative Care Act (LVG) regarding recusal, liability, and the prohibition on reporting apply to the members of the Appeals Commission.
- 3) The Appeals Commission shall adopt its own rules of procedure. Art. 4

Jurisdiction

- 1) Subject to paragraph 1a, the Appeals Commission has jurisdiction over appeals against orders and decisions in the following areas:
 - a) Construction:

1. the Office for Building Construction and Spatial Planning, the Office for Civil Engineering and Geoinformation, or the municipalities based on the Building Act, as well as the ordinances based thereon and the municipal building regulations, with the exception of all matters relating to spatial and zoning planning;

2. the Office of Building Construction and Spatial Planning or the municipalities pursuant to the Fire Protection Act and the ordinance based thereon;

3. the Surveying Commission and the surveyor based on the Surveying Act and the ordinance based thereon;

b) Road traffic:

1. the administrative offices or municipal mayors pursuant to the Road Traffic Act and the ordinances based thereon;

2. the Office of Road Traffic and the State Police pursuant to the Heavy Vehicle Tax Act and the ordinances based thereon;

c) Electronic communications, electronic signatures, and postal and parcel delivery services:

1. the Office of Communications in its capacity as an independent regulatory authority pursuant to the Communications Act and the ordinances based thereon;

2. the Office of Communications in its capacity as an independent supervisory authority under the Digital Signatures and Trust Services Act and the regulations based thereon;

3. the Office of Communications in its capacity as the national regulatory authority under the Postal Services and Parcel Delivery Services Act and the ordinances based thereon;

c) Media:

the government-appointed or established agency or commission in its capacity as an independent regulatory authority under the Media Act and the ordinances based thereon;

d) Housing:

1. the Office for Social Services pursuant to the Act on Rental Subsidies for Families and the regulations based thereon;

2. the Office for Building Construction and Spatial Planning pursuant to the Housing Construction Promotion Act and the regulations based thereon;

e) Education:

1. the appeals body of a university pursuant to the Higher Education Act and the ordinances based thereon;
 2. the internal university appeals body of last instance pursuant to the University of Liechtenstein Act;
 3. the Scholarship Office pursuant to the Scholarship Act;
- e) Media Promotion:
the Media Commission pursuant to the Media Funding Act and the regulations based thereon;
- f) Public procurement:
1. the contracting authority pursuant to the Public Procurement Act and the regulations based thereon;
 2. the contracting authority pursuant to the Public Procurement Act in the sectors and the regulations based thereon.
- g) Land registry, commercial register, register of beneficial owners of legal entities, and foundation supervision:
1. the Office of Justice in its capacity as the registry, directory, or foundation supervisory authority pursuant to the Law on Persons and Companies, the EEIG Implementation Act, the SE Act, the SCE Act, the Act on the Register of Beneficial Owners of Legal Entities, and the Law on Property, as well as the regulations based thereon;
 2. the VwbP Commission pursuant to the Act on the Register of Beneficial Owners of Legal Entities and the regulation based thereon;
- h) Correctional system:
the prison director pursuant to the Prison Act (StVG);
- i) Agriculture:
the competent enforcement authorities pursuant to the Agriculture Act and the regulations based thereon;
- k) Environmental protection:
1. by the Office of the Environment pursuant to the Emissions Trading Act and the regulations based thereon;
 2. the municipalities and the Office of the Environment pursuant to the Environmental Protection Act and the regulations based thereon;
 3. the municipalities or the Office for the Environment pursuant to the Water Protection Act and the regulations based thereon;

4. the Office for the Environment pursuant to the Organism Act and the regulations based thereon;
5. by the competent authorities pursuant to the Environmental Information Act;
6. the Office for the Environment pursuant to the Environmental Impact Assessment Act and the regulations based thereon;
7. the Office for the Environment pursuant to the Nature and Landscape Protection Act and the regulations based thereon;
8. the Office for the Environment pursuant to the Hunting Act and the regulations based thereon;

l) Public Health:

1. the Office for Food Control and Veterinary Affairs pursuant to the Act on the Protection of Non-Smokers and Advertising for Tobacco Products (Tobacco Prevention Act; TPG) and the regulations based thereon;
2. the Office of Social Services pursuant to the Health Insurance Act (KVG) and the ordinances based thereon;

m) Energy:

the Energy Commission and the Energy Office pursuant to the Act on the Promotion of Energy Efficiency and Renewable Energies (Energy Efficiency Act; EEG) and the ordinances issued thereunder;

n) Forestry:

the municipalities and the Office of the Environment pursuant to the Forest Act and the ordinances based thereon;

o) Railways:

the government-appointed or established agency or commission acting as an independent regulatory authority under the Railway Act and the regulations based thereon;

p) Real estate transactions:

the Land Transfer Authority pursuant to the Land Transfer Act and the regulations based thereon;

q) Construction, service, and other trades:

1. the Office of Economic Affairs pursuant to the Construction and Professions Act and the ordinances based thereon;
2. the Office of Economic Affairs pursuant to the Trade Act and the ordinances based thereon;

3. the Office of Economic Affairs pursuant to the Mortgage and Real Estate Credit Act and the regulations based thereon;

r) Official appraisal services:

the Valuation Commission pursuant to the Valuation Act and the regulations based thereon;

s) Public Labor Law:

the Office of Economic Affairs pursuant to the Posting of Workers Act and the regulations based thereon;

t) Data protection:

the Data Protection Office and the competent authority pursuant to data protection legislation;

u) Sports:

1. the Sports Unit pursuant to the Sports Act and the regulations based thereon;

2. the institution designated by the government pursuant to the Sports Act and the regulations based thereon;

v) Social Security:

the AHV/IV/FAK institutions pursuant to the Old Age and Survivors' Insurance Act, the Disability Insurance Act, the Act on Supplementary Benefits to Old Age, Survivors' and Disability Insurance, the Family Allowances and Income Replacement Act, and the ordinances based thereon, insofar as they concern penalty orders and decisions;

w) Cybersecurity:

the Cyber Security Unit pursuant to the Cyber Security Act and the ordinances based thereon;

x) Space Activities:

the Office of Communications in its capacity as the regulatory authority under the Space Act and the regulations issued pursuant thereto;

y) Aviation:

the Office for Building and Spatial Planning pursuant to the Aviation Act and the ordinances based thereon.

1a) It is also responsible for appeals against first-instance rulings and decisions in administrative criminal matters, to the extent that this is specifically provided for by law.

2) Unless this or other laws expressly provide for an appeal to the Appeals Commission, orders or decisions of administrative agencies or municipalities may be challenged by filing an appeal with the Government.

Art. 5

Procedure

The procedure is governed by the provisions of the Provincial Administrative Procedure Act (LVG) and the Administrative Penal Code (VStG).

Art. 6

Pending Cases

The Appeals Commission has jurisdiction over cases in which no decision or ruling subject to appeal had been issued as of July 1, 2001.

Art. 7

Entry into Force

1) Subject to paragraph 2, this Act shall enter into force on the date of its promulgation.

2) Article 4 shall enter into force on July 1, 2001.

VII. Probation Assistance Act (BewHG)

of September 13, 2000

I. General Provisions Art. 1

Subject Matter

This Act regulates:

- a) the organization and implementation of probation services in accordance with Sections 50 and 52 of the Penal Code;
- b) voluntary continued supervision;
- c) facilities for post-release assistance;
- d) participation in diversion. Art. 2

Definitions

The terms used in this Act to designate persons and functions shall be understood to refer to persons of both male and female gender.

II. Persons and Institutions Involved in Probation

Services Art. 3

Probation officers

- 1) Probation officers working on a part-time or full-time basis shall be engaged for probation services in accordance with the provisions of this Act.
- 2) In the performance of their duties, probation officers are equivalent to civil servants pursuant to § 74(4) of the Criminal Code.

Art. 4

Provision of Probation Services by Private Organizations

- 1) The government generally contracts out the performance of probation services to a private association that possesses the necessary facilities and suitable personnel and undertakes to cooperate in accordance with the provisions of this Act.
- 2) The private association to which the performance of probation services is delegated must have an office with a director responsible for the administration of probation services (office director).

Art. 5

Supervision

- 1) Supervision, in particular financial supervision, of the office of the private probation association is the responsibility of the Office of Social Services.
- 2) The Office of Social Services shall ensure that probation services are carried out in accordance with uniform criteria and in line with the latest findings regarding their appropriate organization.
- 3) Repealed

Art. 6

Reimbursement of Expenses

The state shall reimburse the private association for the expenses incurred in performing probation services, based on prudent, economical, and efficient management in accordance with the annual finance law. The government may grant advances based on the estimated expenses provided in the private association's budget.

Art. 7

Personal Requirements for Probation Officers

- 1) A probation officer must:
 - a) have full legal capacity;
 - b) be free from any reportable conviction for a felony or misdemeanor entered in the criminal record;
 - c) be at least 24 years of age;
 - d) be personally suited to the duties associated with probation supervision.
- 2) The office director, who is also a full-time probation officer, must, in addition to the requirements set forth in paragraph 1, be professionally qualified to manage probation services based on specialized vocational training. The government shall regulate the details by ordinance.
- 3) The following persons may not serve as probation officers:
 - a) Members of the government and their deputies;
 - b) mayors;

- c) judges and public prosecutors;
- d) Civil servants and employees of the State Police, the Prison Administration, and the Office of Social Services;
- e) Persons who have or have had a therapeutic relationship with the offender.

Art. 8

Determination of Suitability

1) The private association shall determine whether a person is suitable for the position of probation officer within the meaning of Art. 7(1)(d). To this end, it shall conduct an interview with the applicant and review the documents submitted by the applicant regarding his or her personal background, education, and professional activities. The applicant must submit a criminal record certificate.

2) The Office of Social Services shall determine whether a person is suitable for the position of branch manager. For this purpose, the procedure set forth in paragraph 1 shall apply *mutatis mutandis*. The branch manager's professional training must qualify him or her to perform social work.

3) The government shall issue a service mandate to the private probation service provider. The Office of Social Services shall be consulted in determining the terms of this service mandate.

4) The government shall regulate the details by ordinance. Art.

9

Office

At the office, the probation officer shall be given the opportunity to meet with the offender (the probationer) for whom he has been appointed, and with other persons with whom such meetings are appropriate for the purposes of probation.

Art. 10

Office Director

The office director shall manage the office. In addition to the duties specified in other provisions of this Act, the following duties in particular shall fall to him:

- a) he shall select suitable probation officers;
- b) he shall support and supervise the work of the probation officers

and to provide guidance to probation officers in the implementation of probation services;

c) he must discuss with the probation officers the supervision plan drawn up for each probationer and ensure that it clearly sets forth the agreed-upon goals and, above all, the ordered conditions and measures;

d) he must exercise direct supervision over the probation officers;

e) he shall establish and maintain contact with other agencies and individuals whose assistance is required to fulfill the tasks of probation services, insofar as matters of a fundamental nature are concerned;

f) he shall determine the office hours at the probation office in a manner most appropriate for the provision of probation services;

g) he shall set the hours for public service for himself and the probation officers and notify the Office of Social Services thereof;

h) in the event of a probation officer's temporary absence, expected to last no longer than four weeks, he shall assign one or more other probation officers to perform the duties of the absent probation officer;

i) he shall submit a written report on probation services and the use of funds in the preceding calendar year to the responsible body of the private association in a timely manner;

j) he shall, to the extent that this is compatible with the fulfillment of the other duties assigned to him, also perform the duties of a probation officer.

Art. 11

Meetings of the Office Manager with the Probation Officers

1) The office manager shall hold regular meetings with the individual probation officers and with the probation officer team.

2) During these meetings, the implementation of probation services for individual probationers must be discussed. The office manager must ensure that probation services are carried out according to uniform criteria and in a manner consistent with legal provisions, general principles regarding the appropriate

organization of probation services, and the insights gained from the office manager's meetings with the Office of Social Services (Art. 14).

Art. 12

Supervision and Continuing Education of Probation Officers

1) Probation officers shall be given the opportunity to discuss their work with a person they trust. For this purpose, the government shall appoint persons with experience in social work who are trained for this type of counseling and appear qualified; they are bound to maintain confidentiality regarding the subject of the discussion toward all persons.

2) Probation officers are entitled to and obligated to undergo continuing education, which the office director must arrange.

Art. 13

Consultation with Psychiatrists and Psychologists

1) The government shall, with their consent, appoint specialists in psychiatry and individuals who have completed a degree in philosophy with a major in psychology (psychologists) to advise the office and shall maintain a list of such individuals.

2) If, during a meeting, the office manager deems such consultation necessary, he or she shall consult one of these psychiatrists or psychologists.

Art. 14

Meetings with the Office Manager

The Office of Social Services shall convene the office manager at least once a year for a meeting to discuss matters relating to the implementation of probation services. The persons referred to in Articles 12 and 13 may also be invited to this meeting.

Art. 15

Activity Report

The private association must submit a written report to the Office of Social Services by March 31 of each year detailing the activities of probation services and the use of funds during the preceding calendar year.

Art. 15a

Processing of Personal Data

The Office of Social Services and the private association may process personal data, including special categories of personal data as well as personal data relating to criminal convictions and offenses, to the extent necessary to fulfill their duties under this Act.

III. Implementation of Probation Services

Art. 16

Preparation of the Probation Order

If the court has doubts as to whether probation supervision should be ordered for an offender, it may, after disclosing the findings of the proceedings to date that are necessary for the assessment of the case, request an opinion from the court clerk regarding the appropriateness of such an order. The court may also consult the opinion of the Social Services Office for its assessment. In preparing this opinion, the provisions of Art. 20, paras. 1–3, shall apply *mutatis mutandis*.

BwHG

Art. 17

Appointment of the Probation Officer

Once the court's decision ordering probation has become final, the court must serve it on the head of the court office and the Social Services Office. The head of the court office must appoint the probation officer and notify the court of this appointment without delay. In preparing the head of the court office's

, the provisions of Art. 20, paras. 1–3 shall apply *mutatis mutandis*. Art. 18

Selection of the Probation Officer

1) If several probation officers are available, the one whose appointment appears most suitable for fulfilling the purpose of probation, in view of his or her knowledge and abilities as well as the specific nature and personal circumstances of the probationer, shall be selected.

2) As a general rule, a part-time probation officer should not supervise more than five probationers, and a full-time probation officer should not supervise more than 30 probationers; this should be taken into account during the selection process.

Art. 19

Informing the Offender About Probation Assistance

If the court orders probation supervision, it must inform the offender of this.

Art. 20

Rights of the probation officer in the performance of his or her duties

1) The probation officer has the right to meet with the probationer.

If the probation officer is otherwise unable to meet with the probationer, the court must summon the probationer upon the probation officer's request.

2) If a custodial sentence is imposed on the probationer or a custodial sentence imposed on him or her is revoked, the probation officer must be notified thereof. The probation officer has the same right to visit an incarcerated probationer as the incarcerated person's legal counsel.

3) All authorities and agencies must provide the probation officer with the necessary information regarding the probationer and grant him access to the files kept on the probationer, unless there are compelling reasons not to do so. Files held by the criminal justice authorities in ongoing criminal proceedings are exempt from this right of access.

4) If required for the purposes of probation, the person with parental authority, the legal representative, the school principal, the vocational training supervisor, and the employer must provide the probation officer with information regarding the probationer's conduct and work performance.

Art. 21

Duties of the probation officer in the performance of his or her duties

1) The probation officer shall perform his or her duties with the utmost regard for the probationer's honor and in compliance with the duty of confidentiality.

2) The probation officer shall report to the court on his or her activities and observations:

a) to the extent that the court so requires;

b) when it is necessary or appropriate to achieve the purpose of probation;

c) if there is cause to terminate probation supervision;

d) In any case, however, six months after the probation order is issued and upon its termination.

The reports shall be submitted in writing, unless the court orders otherwise.

3) Written reports shall be submitted through the head of the probation office. The head of the probation office shall have the reports supplemented, or shall supplement them himself, if this is necessary based on his own knowledge of the individual case and his expertise and experience in the field of probation; such additions shall be clearly marked as such. The probation officer shall record the essential

content of reports given orally must be recorded by the probation officer in his files and brought to the attention of the head of the probation office.

4) The probation officer must record the key events in the supervision of his or her client in a journal. The journal must clearly show, at all times, the status of the supervision and the respective next objectives of the supervision work.

Art. 22

Change in the Person of the Probation Officer

1) The office director must remove the probation officer assigned to an offender and appoint another probation officer in his or her place:

- a) if the probation officer leaves the employment or contractual relationship;
- b) if the probation officer is likely to be unable to continue providing probation assistance to the probationer for a period exceeding four weeks due to his or her state of health or for other reasons;
- c) if the probation officer is no longer suitable for this purpose for other reasons.

2) The removal of the previously appointed probation officer shall not take effect until the appointment of the new probation officer. The court and the Office of Social Services must be notified of the new appointment.

3) If probation supervision is terminated prematurely (Section 52(3) StGB), the court must notify the Social Services Office and the office manager; the office manager must remove the probation officer. If probation ends upon the expiration of the probationary period or any other period determined by the court (Section 50(3) StGB), the probation officer shall be deemed relieved of duty as of that date.

Art. 22a

Jurisdiction

The court proceedings referred to in Section 3 are the responsibility of the court with jurisdiction to order probation.

IV. Voluntary Continued

Supervision Art. 23

Order and Termination

1) To the extent that further supervision of a person appears necessary or appropriate to prevent them from committing criminal offenses, the head of the office may order such supervision upon request or with the consent of the person concerned in the following cases:

a) upon unconditional release from a custodial sentence or a preventive measure involving deprivation of liberty;

b) in the case of a suspended sentence, a conditional waiver of a sentence or part thereof, or a preventive measure involving deprivation of liberty, or a conditional release, once the probationary period has expired.

2) The order shall apply for the period required by the circumstances, but for no longer than three years following unconditional release or the expiration of the probationary period. In any case, the appointment shall end as soon as a probation officer has been appointed for the same person by the court. If the person under supervision expressly declares that they wish to waive further supervision, or if they persistently evade the influence of the probation officer, the head of the office shall order the termination of supervision.

3) Section 52(1) of the Criminal Code and the provisions of this Act concerning the implementation of probation assistance shall apply *mutatis mutandis* to the supervision under paragraph 1.

V. Facilities for Assistance to Released

Persons Art. 24

1) The state may allocate funds to private associations, as defined in Article 4, for the establishment and operation of facilities where individuals, following their release from the serving of a prison sentence or from preventive measures involving deprivation of liberty, are provided with practical and advisory support in their efforts to obtain further assistance in securing housing and employment, as well as in their overall reintegration into

life in freedom, including the care of such persons.

2) Anyone applying for grants under paragraph 1 must undertake to the State to report annually on the proper use of the funds, and to allow the Office of Social Services to verify compliance with the intended use of the funds by inspecting the books and records and conducting on-site visits, and to provide the necessary information. Furthermore, the applicant must undertake to repay the funds in the event of misuse or failure to comply

the obligations set forth above. Va. Participation in Diversion

Art. 24a

Principle

1) The private probation assistance association participates in out-of-court settlement of cases (Section 22g of the Criminal Procedure Code), as well as in the arrangement and implementation of community service (Sections 22d and 22e of the Criminal Procedure Code) and training programs and courses (Section 51 of the Criminal Code).

2) Unless otherwise provided in the provisions of this section, the provisions of the first and second sections of this Act apply *mutatis mutandis*.

3) At the request of the public prosecutor's office or the court, the office director must state which procedure under Part IIIa of the Code of Criminal Procedure would be appropriate (Section 22l(1) StPO).

4) If the public prosecutor's office or the court requests the involvement of a conflict mediator (Section 22g(3) StPO) or a mediator (Sections 22d(4) and 22f(3) StPO), the head of the registry shall appoint such a person.

Art. 24b

Out-of-Court Settlement (Conflict Mediator)

1) In out-of-court mediation, individuals with experience in social work who are particularly suited to this role act as mediators at the request of the public prosecutor's office and the court.

2) The mediator must assist all parties involved in reaching a compromise. He or she contacts the suspect and the victims and informs them about the nature of out-of-court mediation, its essential content and procedure, and the associated consequences. The conflict mediator assesses the suspect's willingness to take responsibility for the offense, to address its causes, and to compensate for any consequences of the offense, and instructs the suspect in accordance with § 22k StPO. He safeguards the legitimate interests of the victim (Section 22g(2) of the Criminal Procedure Code), clarifies with the victim any potential claims and expectations, and informs the victim in accordance with Section 22i of the Criminal Procedure Code.

3) The mediator must report to the public prosecutor's office or the court (Section 22g(4) of the Code of Criminal Procedure). In the event that mediation efforts fail, the report may, to the extent that providing further information would jeopardize the positive development of a party involved, be limited to stating the extent to which discussions took place.

4) In the course of his duties, the conflict mediator is authorized, with the consent of the

BwHG

suspect or the injured party, to inspect judicial and administrative files concerning proceedings involving these persons; upon request, copies thereof shall also be made available to him free of charge.

5) The mediator is bound by a duty of confidentiality toward all parties within the scope of his or her activities, to the extent that confidentiality is necessary in the interest of a party. This does not apply to the extent that the mediator is called to testify in court proceedings regarding the content of a settlement agreement that has been reached.

Art. 24c

Arrangement of Community Service, Training, and Courses

1) At the request of the public prosecutor's office

and the court, persons with experience in social work shall act as mediators.

2) The mediator informs the suspect about the nature of the discontinuation of prosecution under Sections 22d and 22f of the Code of Criminal Procedure, as well as about the content of the proposed community service, training, or course, and advises the suspect as necessary during its implementation. He contacts the institution (Section 22e(2) of the Code of Criminal Procedure), obtains its consent to the performance of the community service, and informs it of the nature and scope of the services to be performed. He guides the suspect in his efforts to contribute to redressing the consequences of the offense and supports him in doing so.

3) Upon completion of his duties, the mediator must report to the public prosecutor's office or the court.

4) Art. 24b(4) and (5) apply *mutatis mutandis* to the mediator's activities.

VI. Final Provisions Art. 25

Implementing Regulations

The government shall issue the ordinances necessary for the implementation of this Act, in particular regarding:

- a) the personal qualifications of the probation officer (Art. 7);
- b) the determination of the probation officer's suitability (Art. 8).

Art. 26

Entry into Force

This Act shall enter into force on the date of its promulgation.

VIII. Law on Popular Rights (VRG)

of July 17, 1973

I hereby approve the following resolution adopted by the State Parliament:

I. Title

General Provisions

I. Section

Voting

Rights Art. 1

Principle

1) In matters of state, all residents of the state who have reached the age of 18 and have had their ordinary residence in the state for at least one month prior to the election or vote (Art. 32 et seq. PGR) are eligible to vote and stand for election.

2) Persons who are abroad to attend an educational institution or for temporary work, such as seasonal work, or who are temporarily hospitalized in a foreign medical facility retain their right to vote if they meet the other requirements.

Art. 2

Exclusion from the Right to Vote

1) The following persons are excluded from the right to vote:

a) is legally deprived of the right to vote;

b) is legally incompetent with respect to elections and referendums, to the extent that the exclusion from the right to vote has been ordered by a court (Art. 131a et seq.

AussStrG);

c) is finally convicted by a domestic court, based on the circumstances of the individual case:

1. to a non-suspended prison sentence of at least one year for a criminal offense:

aa) under Sections 14, 15, 16, 17, 18, 24, or 25 of the Special Part of the Criminal Code;

bb) under Sections 278a through 278d of the Criminal Code;

cc) in connection with an election or vote under Section 22 of the Special Part of the Criminal Code; or

2. to a non-suspended prison sentence of more than five years for any other intentional criminal offense.

2) The exclusion from the right to vote under paragraph 1(c) begins when the judgment becomes final and ends as soon as the sentence has been served and the preventive measures associated with the deprivation of liberty have been carried out or have lapsed; if the sentence has been served solely by crediting pretrial detention, the exclusion ends when the judgment becomes final. If the end of the exclusion from the right to vote falls after the reference date, an application for inclusion in the electoral register may be made until the end of the period for filing objections to the electoral register (Art. 11).

3) Disqualification from the right to vote results in the loss of the right to vote and to be elected (active suffrage) and the exclusion from eligibility for election (passive suffrage) in all matters of state.

Art. 2a

Definitions

The terms used in this law to refer to persons and functions shall be understood to include both women and men.

II. Section

Compulsory

Voting Art. 3

Principle

Participation in elections and referendums is a civic duty. Art. 4

Repealed

III. Section:

Casting a Vote

Art. 5

Exercise of the Right to Vote

Eligible voters exercise their right to vote in the municipality of their residence in person at the ballot box or by mail-in ballot. Article 8b remains reserved.

Art. 6

Referendums and Elections

Referendums and elections take place on a Sunday. Art. 7

In-person voting at the ballot box

1) Voters cast their ballots during the designated voting period.

2) Repealed: *Voting by*

mail Art. 8

a) Voting

1) Voters may cast their ballots by mail from any location within the country or abroad.

2) The voter must seal the ballot envelope and ballot card in the officially pre-printed envelope designated specifically for the election or vote. By signing a pre-printed statement on the ballot card, the voter confirms that the vote cast reflects his or her will.

3) The return envelope may be mailed domestically and within Switzerland without postage or handed over to the municipality in person or through a representative.

4) Voting by mail is permitted from the time the official voting materials are delivered (Art. 29). The return envelopes must arrive at or be submitted to the municipality no later than 5:00 p.m. on the Friday preceding the Sunday of the election or vote.

Art. 8a

b) Verification

1) Votes cast by mail are left in the return envelopes and kept under lock and key in a secure location until opened by the election or referendum commission.

2) The election or referendum commission opens the return envelopes no earlier than 5:00 p.m. on the Friday preceding the election or referendum Sunday and verifies whether the postal vote is valid.

3) It is valid if:

a) the officially pre-printed return envelope, specifically designated for the election or referendum, was used for the mail-in vote and is sealed;

b) the voter is registered in the voter registry, subject to Art. 30(3);

c) the voting card is enclosed and the declaration for postal voting pre-printed on the voting card is personally signed; and

- d) the vote has been received no later than the time specified in Article 8, paragraph 4.
- 4) The verification of mail-in ballots shall be noted separately in the minutes (Art. 34).
- 5) The election or voting commission shall place the unopened ballot envelopes of the postal votes deemed valid into the ballot box. The vote shall be noted in the voting register.
- 6) Votes cast by mail that are declared invalid shall be treated as invalid votes; however, the ballots must not be removed from the ballot envelope.
- 7) Votes cast by mail that arrive at the municipality after the deadline specified in Art. 8, para. 4, shall be destroyed unopened.

Art. 8b

Electronic Voting

- 1) The government may, in agreement with interested municipalities, approve trials of electronic voting that are limited in terms of location, time, and scope.
- 2) The verification of voting eligibility, the secrecy of the ballot, and the recording of all votes must be ensured, and any abuse must be prevented.
- 3) The government shall regulate the requirements for electronic voting, in particular the requirements for a valid vote and the grounds for invalidity, by ordinance.

Art. 8c–8e

Repealed

IV. Section:

Voter Register

Voter Register

Art. 9

a) Maintenance

Each municipality maintains a register of eligible voters (voter register).

Art. 10

b) Correction and Updating

Prior to an election or vote, the municipal council must ensure that the electoral register has been corrected and updated.

c) Public Inspection, Objections

1) The voter registry must be made available for public inspection for a period of three days no later than four weeks before the election or referendum.

2) During the period of public inspection, objections may be raised with the municipal council, either in writing or orally, regarding the omission of persons presumed to be eligible to vote or the inclusion of persons presumed not to be eligible to vote. The municipal council shall decide without delay.

3) The election or referendum commission must order the inclusion in the voter register of eligible voters whose registration was obviously overlooked by the time voting begins.

d) Objections

Decisions by the municipal council to remove a person from the voter registry or to reject an application for inclusion in the voter registry may be appealed to the government by the affected parties within three days of notification. The government shall decide without delay.

Appeals

1) Decisions by the government ordering the removal of a person from the voter registry or rejecting a request for inclusion in the voter registry may be challenged by the affected parties within three days of notification by filing an administrative appeal.

2) The Administrative Court must render its decision before voting begins. The decision must be served on the election or referendum commission of the competent municipality without delay.

Voting Rights of Registered Voters

Subject to Art. 30(3), only those who are legally entered in the voter registry are eligible to participate in elections and referendums.

V. Section:

Voting Cards

Principle

1) Subject to Art. 30(3), the right to vote may be exercised only upon presentation of the voting card.

2) The voting card is issued by the municipal council.

3) Repealed

Art. 16

Repealed Art. 17

Voter Card

1) The voting card must contain:

a) the designation "voting card";

b) the name, address, and date of birth of the eligible voter;

c) the name of the municipality for which it is valid;

d) the number under which the voter is registered;

e) the name of the election or vote for which the absentee ballot is valid;

f) the official stamp.

g) Instructions for voting by mail.

2) Repealed

3) The absentee ballot is valid for a single election or referendum day. Art. 18

Delivery

1) The municipality must deliver the voting card and the official voting materials to eligible voters no later than two weeks before the election or referendum day.

2) The municipality may also mail the voting card and official voting materials to eligible voters abroad. To do so, a written request must be submitted to the municipality no later than three weeks before the election or referendum date.

VI. Section

Election or Referendum Commissions

Municipal Election or Referendum Commissions

Art. 19

a) *Election*

1) After an election has taken place, the municipal council of each municipality shall elect an election or referendum commission for the duration of its term of office. This commission shall consist of the mayor as chairperson, no more than six additional members, and no more than three alternate members in case of absence. The provisions of the Municipal Act regarding disqualification and official duties shall apply *mutatis mutandis*.

2) Each election or referendum commission shall be assigned a corresponding number of vote counters.

3) Candidates may not be members of the election commission. If the mayor is a candidate, the deputy mayor shall preside.

Art. 20

b) Equal Representation

In elections, the voter groups participating in the election are entitled to equal representation on the municipal election commissions. They must be given the opportunity to nominate their representatives.

Art. 21

c) Convening

The chairperson shall convene all members of the election or referendum commission. If individual members are unable to attend, substitute members shall be invited.

Art. 22

d) Decision-making

The municipal election or voting commissions have a quorum if more than half of their members are present. They make their decisions by majority vote. In the event of a tie, the chairperson has the deciding vote.

Art. 23

Main Election or Referendum Commissions

1) Following the election of the Landtag, the Government shall appoint one main election or referendum commission each for the Oberland (based in Vaduz) and the Unterland (based in Mauren). Their term of office shall coincide with that of the Landtag. Each commission shall consist of no more than eleven members and six alternate members in case of absence. The Government shall appoint the chairperson.

2) Art. 19, para. 3, and Arts. 20, 21, and 22 shall apply.

Art. 24

Instructions

The government shall instruct the election or referendum commissions, as necessary, regarding their duties.

VII. Section

Preparation of Elections and Referendums

Art. 25

Order

- 1) The government shall determine the date for holding elections and referendums and shall set the voting hours.
- 2) The public notice of the order referred to in paragraph 1 must be issued at least four weeks before the election or vote in question. Municipalities must announce, in the manner customary in the locality, where and when the ballot boxes will be set up for use by eligible voters.

Art. 26

Printed Materials

The government shall provide the municipalities, free of charge, with all necessary printed materials for the elections and referendums it has ordered, in particular ballot papers, envelopes, voting slips, return envelopes for voting by mail, and minutes.

Art. 27

Polling Place; Voting Booths

- 1) Elections and referendums shall be held in a public venue that is freely accessible. Voters may remain in the polling place only for as long as is necessary to cast their vote.
- 2) Voting booths must be set up in the polling place for elections and referendums. These must be arranged so that eligible voters can prepare their votes free from any observation.

Art. 28

Ballot boxes

- 1) Ballot boxes must be used for referendums and elections ordered by the government. The municipality must provide a sufficient number of these.
- 2) The ballot boxes must be lockable; furthermore, the slot for inserting ballots and the lock must be capable of being sealed or lead-sealed.

Art. 29

Delivery of Official Voting Materials

Upon delivery of the voting cards (Art. 18), every eligible voter must be provided with the official voting materials.

II. Title

Procedures for Referendums and Elections

Art. 30

Voting and Referendum Procedures

- 1) The members of the election or voting commission cast their ballots first, followed by the other eligible voters in the order in which they arrive.
- 2) Voting must be recorded in the voter register.
- 3) Persons not listed in the voter register may be admitted to vote by the election or voting commission if it becomes apparent that the person in question was clearly omitted from the register only by mistake. No appeal is permitted against a negative decision by the commission.

Art. 31

Conclusion of the Election and Voting Process

Polling stations shall close at the appointed time; voters still present may still exercise their right to vote.

Art. 32

Security Measures

- 1) The municipalities are responsible for the secure safekeeping of election and referendum documents. This applies in particular to:
 - a) the envelopes for absentee voting that were sent by mail or delivered in person or by a proxy to the municipality;
 - b) ballots cast by mail that have been checked by the election or referendum commission and placed in the ballot box, if this check was conducted early;
 - c) the ballot boxes, together with the voter register and voting cards, which have been sealed or secured by the election or referendum commission following early voting.
- 2) The government may, after consultation with the municipalities, issue directives ordering additional security measures.

Art. 33

Determination of Results

1) Immediately after the close of the election or vote and after the validity of the mail-in ballots has been verified in accordance with Art. 8a, the election or voting commission shall open the ballot boxes and determine the results.

2) When counting the votes, the use of technical aids that expedite the counting process is permitted.

Art. 34

Minutes

1) A record must be drawn up of the results of the count. It must include:

a) The place and time of the election or vote and the composition of the election or voting commission;

b) The number of eligible voters in the municipality;

c) The number of ballot papers submitted by mail; of these, valid and invalid votes, as well as unsealed ballot envelopes;

d) The number of ballots cast in person at the ballot box; of these, the number of unsealed ballot envelopes;

e) The number of ballots cast by mail and in person at the ballot box;

f) Number of ballot envelopes deposited; of these, valid and invalid votes, as well as empty ballot envelopes (votes);

g) in the case of elections, the information required under Article 50;

h) in the case of referendums, the referendum result;

i) the decisions made by election or referendum commissions, as well as any statements required to be included in the minutes.

2) The minutes must be signed by all members of the election or referendum commission as well as by the vote counters and attached to the election or referendum records.

Art. 35

Transmission of the Results

The results of the election or vote must be immediately communicated by members of the election or voting commissions to the main election or voting commission of the relevant district by transmitting all election and voting records.

III. Title

State Parliamentary Elections

I. Section

The Pre-Election Procedure and Voting Process

Election Nominations

Art. 36

a) Call for Nominations

- 1) At the same time as setting the election date, the government shall, by public notice, call for the submission of nominations for the relevant electoral district.
- 2) In doing so, it shall publish excerpts from the relevant statutory provisions.

Art. 37

b) Deadline, Form, and Content

- 1) Nomination forms must be submitted in writing within 14 days.
- 2) Each nomination may only include candidates from a single electoral district and must be signed by at least 30 eligible voters from that same electoral district. The authenticity of the signatures must be officially certified by a municipal official or a notary public (Art. 81 RSO).
- 3) The signature must be provided in such a way that there can be no doubt as to the identity of the signatory. Therefore, if necessary, further details regarding place of residence, house number, occupation, etc., must be included.
- 4) Nominations with fewer than 30 signatures will not be considered.
- 5) A voter may sign only one nomination, and a signatory may not withdraw their signature after the nomination has been submitted.

Art. 38

c) Authorized Representatives

- 1) Unless otherwise expressly provided, the person listed first among the signatories shall be deemed the authorized representative of the voter group. In the event of incapacity or absence, these duties shall pass to the next signatory in line, and so on.
- 2) The authorized representative is entitled to perform all acts and make all statements on behalf of the voter group as provided for in this law before the authorities.

Art. 39

d) Inspection, Objection, and Rectification

- 1) The nomination lists shall be made available for inspection by the eligible voters of the electoral district at the government office.
- 2) Objections to the eligibility of the signatories must be submitted in writing to the government, together with the necessary supporting documents, no later than two days after the expiration of the inspection period.
- 3) If it is clearly evident from the supporting documents submitted with the objection, or if the government is otherwise aware that one or more signatories are not eligible to vote, or if it is proven that one or more signatures are not genuine, the government shall strike the names of the signatories in question from the list.
- 4) Furthermore, the signature of any signatory who has signed more than one nomination or who is also listed as a candidate on the same nomination shall be struck from the list *ex officio*.
- 5) If, as a result of this removal, no more than 30 signatories remain, the government shall invite the representative of the voter group to replace the missing signatures within two days.
- 6) Each new signatory must have the authenticity of their signature verified on the original nomination form in accordance with the provisions governing the verification of signatures; otherwise, the nomination shall be deemed void due to failure to meet these requirements in a timely manner.
- 7) If no objections are received in a timely manner, or if such objections are rejected by the government as unfounded, or if any deficiencies that have arisen have been remedied, the nomination shall be treated as validly submitted, regardless of any deficiencies that may arise only after the review has been completed. Decisions by the government in this regard are final.

Art. 40

e) Designation of Nomination Proposals

- 1) Each nomination must bear the name of the electoral group as its heading.
- 2) If multiple nomination lists with the same name or nomination lists without a name are submitted, the government shall immediately invite the authorized representative (Art. 38) of the signatories for each nomination list to provide, within two days—failing which the nomination list shall be invalid—distinctive names for the nomination lists,

(VRG)

, whereby the names of existing parties may not be used for new voter groups. In the event of a dispute, the government shall decide after consulting the party bodies.

Art. 41

f) Substitute candidates

Repealed

Art. 42

g) Identification

1) Candidates must be identified in the nomination in such detail that there can be no doubt as to the persons proposed. Therefore, if necessary, information regarding place of residence, house number, and occupation, etc., must be included with the names.

2) If a nomination list does not meet these requirements, the government must immediately invite the representative of the voter group to supplement the nomination list within two days; otherwise, the names of those candidates regarding whom there is doubt will be struck from the nomination list.

h) Finalization of the Nomination Lists

Art. 43

aa) General Provisions

1) Upon submission of the nomination to the government, a written declaration of acceptance by the candidates must also be submitted, in which they declare that they accept the candidacy. A declaration of acceptance may not be withdrawn unless extraordinary circumstances, to be assessed by the government, justify such withdrawal.

2) If no declaration of acceptance is submitted or is not submitted within two days, or if there is a justified withdrawal of the declaration of acceptance, the name of the candidate in question shall be removed from the nomination list.

Art. 44

bb) Residence and Multiple Nominations of the Same Person

A candidate may appear on a nomination list only in the electoral district of his or her primary residence (Art. 32 et seq. PGR); otherwise, the government shall remove him or her from the list and proceed in accordance with Art. 45. A candidate's name may not appear on more than one nomination list in the same electoral district; otherwise, after the deadline for submissions has expired, the government must send the candidate who has been nominated multiple times copies of the relevant nomination lists, inviting him to declare immediately to which

list he wishes to be assigned to. If no declaration is received within the time limit set, the candidate in question shall be removed from all nomination lists.

Art. 45

cc) Notification of Removal or Rejection

1) The government shall immediately notify the authorized representative of the voter group of the nomination of any removals resulting from rejection or multiple nominations, stating that substitute nominations may be submitted within two days of such notification. The substitute nominations must be accompanied by a written declaration from the nominees stating that they accept the candidacy.

2) If this declaration is missing or if the nominee is already listed on another nomination in the electoral district, the replacement nomination shall be rejected.

Art. 46

Deadlines

The government is authorized to extend, by resolution, the time limits set forth in Articles 36 through 44, provided that this appears justified in the interest of the orderly conduct of the proceedings.

Art. 47

Election Lists

1) The resulting nominations are called electoral lists. No further changes may be made to them.

2) The government shall immediately publish all electoral lists, including the names of the electoral groups but excluding the names of the signatories, in the proposed order of the candidates, once in each of the official gazettes.

3) All electoral lists must be published simultaneously, in the order in which the nominations were submitted to the government.

Art. 48

Ballot Papers

1) Only official ballots may be used to conduct the election. These shall bear the designation “Official Ballot” and the large state coat of arms or the municipal coat of arms, in the case of an election at the municipal level

(VRG)

. The ballots must list the candidates in the order submitted by the individual voter groups, with sufficient address information. The name of the relevant voter group must be placed at the top of the ballot. Ballots not officially pre-printed are invalid.

2) A sufficient number of official ballots must be provided in the voting booths for each ballot.

Art. 49

Voting Procedure at the Ballot Box

1) Upon entering the polling station, the voter must hand over their voter registration card to the election commission for registration and then place the official ballot enclosed in the ballot envelope into the ballot box. Ballots not enclosed in an envelope must be rejected.

2) Voting booths must be set up in the polling station to allow voters to fill out their ballots without supervision. Voters with physical disabilities may, with the election commission's permission, bring a trusted person into the voting booth to assist them.

3) A sufficient number of official ballots must be provided in the voting booths. Additional official ballot envelopes may only be obtained from the election commission.

Art. 49a

Filling Out the Ballot

1) Voters are permitted to make deletions or changes on the official ballots. Articles 51 through 53 remain reserved.

2) Votes may only be cast for candidates who appear on a valid nomination (electoral list).

II. Section

Determination of the Election Results

Municipal Elections

Art. 50

a) General Provisions

After the election has concluded, the election commission determines the municipal results. In addition to the information specified in Art. 34, the minutes must include:

a) the number of valid votes cast for each individual candidate—candidate votes—;

b) the number of additional votes pursuant to Art. 51,

para. 2. Art. 51

Examination of Ballots

- 1) The basic principle governing the examination of ballots is that a vote shall be considered valid if there can be no reasonable doubt as to its content. Invalid ballots shall not be taken into account when calculating the election results. If, upon opening an envelope or unfolding the ballot, it is found that multiple ballots were submitted simultaneously, all are invalid, unless, in addition to an official ballot, a non-official ballot or an official ballot in multiple copies—either unchanged or with the same alteration—was submitted.
- 2) If a ballot contains fewer valid votes for candidates than there are state parliament members to be elected in the corresponding electoral district, the missing votes shall count as additional votes for the voter group whose name is printed on the ballot.
- 3) If a ballot contains more names of candidates than there are seats to be filled, the excess names must be crossed out, starting from the bottom and working upward, regardless of whether they are handwritten or printed.
- 4) If the same name appears multiple times on a ballot, it shall be counted only once.
- 5) If a ballot contains candidates who do not appear on any of the submitted voter lists, they must be crossed out.
- 6) The deletion or alteration of the voter group designation on the ballot is not considered.

Invalid ballots

Art. 52

a) In general

The following are invalid:

- a) ballots that are not official;
- b) Ballots from which the name of any of the proposed candidates cannot be clearly identified;
- c) Ballots containing offensive remarks;
- d) Ballots containing marks clearly intended for verification purposes.

Art. 53

b) Invalid Votes for Candidates

Candidate votes are invalid if

- a) those cast for a person who is not nominated as a candidate on any of the submitted electoral lists;
- b) that identify a candidate so imprecisely that reasonable doubt may exist as to the person's identity.

Constituency results

Art. 54

a) General Provisions

- 1) The main election commission of each canton shall verify the municipal results. When verifying the election results of each individual municipality, the respective chairperson of the election commission must be available and may be consulted if necessary. The main election commission shall keep minutes of its proceedings. After the minutes have been recorded, the ballots shall be destroyed.
- 2) The Government shall then convene in Vaduz and proceed with the allocation of portfolios in accordance with the provisions of Articles 55 through 60. A separate record shall be kept of these proceedings.

Art. 55

b) Allocation of Seats to Voter Groups

- 1) From the total number of valid votes cast for candidates and additional votes in an electoral district, those votes cast for voter groups that did not reach 8% of the valid votes cast nationwide shall first be deducted. The remaining number of votes is then divided by the number of representatives to be elected (excluding deputy representatives), increased by one, and the result of the division is in any case rounded up to the next whole number.
- 2) The number thus determined is called the electoral quota.
- 3) Each electoral list that participates in the allocation of seats pursuant to Article 46, paragraph 3, of the Constitution shall be allocated one representative for each time the total number of votes cast for that list equals the number of candidate and supplementary votes cast for it (basic seat allocation).

Art. 56

Allocation of Remaining Seats

- 1) If the distribution pursuant to Art. 55 does not result in as many members of the State Parliament as are to be elected in one or both electoral districts, a distribution of remaining seats shall take place among the electoral groups that have obtained at least eight percent of the valid votes cast throughout the state, in accordance with the provisions of the following paragraphs.
- 2) The remaining votes shall be listed side by side, ordered by size; beneath each number of remaining votes, half of that number shall be written, followed by one-third, one-quarter, and, as necessary, the subsequent numbers.
- 3) If only one remaining seat is to be allocated, the largest of the numbers listed in this manner shall be considered the electoral number; if two seats are to be allocated, the second-largest; and if three seats are to be allocated, the third-largest.
- 4) Each electoral group receives as many remaining seats as the electoral number is contained within its total number of remaining votes. If, following this calculation, two electoral groups have an equal claim to a remaining seat, preference is given to the electoral group in which the candidate eligible under Art. 57 has received the greater number of votes. In the event of a tie, the decision is made by lot.

Art. 57

Determination of Representatives

- 1) From each electoral list, the number of candidates to be declared elected shall be equal to the number of seats allocated to that list pursuant to Articles 55 and 56, respectively, and shall be those candidates who received the most votes.
- 2) In the event of a tie, the candidate listed earlier on the electoral list shall be declared elected.
- 3) Repealed

Art. 58

Allocation of Seats

- 1) If one or more electoral lists are to be allocated more candidates than they contain names, all of their candidates shall initially be declared elected.
- 2) The remaining seats 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 lots (Art. 56) shall take place during the meeting of the Government provided for in Art. 54, para. 2, and shall be conducted by the oldest member of the Government present.

Art. 60

Determination of Deputy Representatives

1) Provided that the electoral list contains a sufficient number of candidates, each electoral group shall also be allocated alternate representatives. For every three representatives in a constituency, each electoral group is entitled to one alternate representative, but at least one if an electoral group wins a seat in a constituency (Art. 46, para. 2 of the Constitution).

2) The candidates who received the most votes among the unelected candidates on the electoral list of the relevant electoral group shall be declared deputy representatives within the meaning of Art. 46, para. 2 of the Constitution.

3) In the event of a tie, the candidate listed earlier on the list shall be declared a deputy representative.

Art. 61

Certificates of Election

The government shall issue the certificate of election to the elected representatives. Art. 62

Publication

The election results shall be published by the government in the official gazettes.

Art. 63

Resignation, Loss of Office, etc.

1) Members of the Parliament who subsequently lose their right to vote or who transfer their ordinary residence (Art. 32 ff. PGR) to another electoral district during their term of office shall forfeit their seats.

2) If a seat becomes vacant during the term of office due to loss of office, resignation, death, recall, or any other permanent impediment to the performance of the office, the State Parliament shall declare as elected the candidate who, on the same electoral list on which the person to be replaced appeared, received the highest number of votes among the unelected candidates.

3) In the event of a tie, the candidate listed earlier on the ballot shall be declared elected.

4) If there are no longer any unelected candidates on the relevant list, the government shall order a by-election, to which the provisions applicable to state parliament elections shall apply (Art. 53 of the Constitution).

Section III:

Election

Challenges Art. 64

Election Complaint

1) A group of voters that submitted nominations for the contested election in a timely manner may, through its authorized representative (Art. 38), file an election complaint with the government against the elections in a constituency or throughout the state, or against the election of one or more members of the State Parliament or substitute members, on the grounds of nullity listed below.

2) The election of a representative or alternate representative is void if the elected person lacks the statutory qualifications.

3) The election is void if, during the preparatory election proceedings, the voting process, or the determination of the election results

a) mandatory legal requirements were not complied with, or

b) unlawful interference, or

c) criminal activities or

d) gross irregularities have occurred, provided that these circumstances had or could have had a significant influence on the election result.

4) If one or more persons not eligible to vote participated as voters, or if several eligible voters were unlawfully excluded from participating in the election, the election remains valid if the resulting difference in the number of votes has no impact on the election result; if, however, this is the case, the election is void.

5) The election complaint must be filed with the government within three days of the election, subject to other exclusions. Election day does not count toward the calculation of the deadline. The complaint must be submitted to the government within a further five days, failing which it will be excluded, and must contain specific requests, state the facts on which the complaint is based, and specify the evidence intended to prove those facts. The

(VRG)

government must allow any voter group that has filed an election complaint in a timely manner to inspect the election records.

6) The government must immediately forward the petition, together with the relevant election records, to the State Constitutional Court. The State Constitutional Court shall then initiate preliminary proceedings in accordance with the State Constitutional Court Act. The State Constitutional Court shall render a final decision, within the scope of the petition's claims, regarding the election of members of the State Parliament or the election itself (Art. 59 of the Constitution).

Art. 65

Ex officio review

If the government determines, on the basis of the election records or otherwise, that the elections are invalid, it shall, within eight days, not counting the election day, file a complaint with the State Court, which in this case shall decide ex officio on the validity of the election.

Art. 66

Decision

1) If an elected representative or alternate representative lacks the statutory qualifications, the State Court shall declare their election null and void. At the same time, it shall, in accordance with Art. 63, declare the next candidate on the electoral list to be elected.

2) If the municipal results verified by the Central Election Commission have been incorrectly tallied, or if the Central Election Commission has made another calculation error, or if the provisions of Articles 55 through 60 of the Act have been incorrectly applied, and if these events have had or could have a significant impact on the election results, the Constitutional Court shall correct the results and the allocation of seats.

3) In all other cases of nullity, the Constitutional Court shall declare the election for the relevant electoral district null and void, whereupon the government must immediately order a new election.

4) The only remedy available against the Constitutional Court's decision on an election complaint is a request for clarification.

5) The Constitutional Court must in any case serve a copy of its decision on the government.

Title IV

Referendum, Initiative, and Convening of the State Parliament

I. Section

Common Provisions

Art. 67

Petitions (Proposals)

Petitions through which the constitutional right to a referendum and to an initiative is exercised under this law 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) State Assembly initiatives (Art. 64, 66, and 66bis of the Constitution). Art. 68

Municipal initiatives

- 1) If municipalities wish to exercise the right to call for a referendum or an initiative, identical proposals must be approved at municipal assemblies in a minimum number of municipalities by an absolute majority of the citizens present.
- 2) These municipal assemblies are convened and held in accordance with the provisions of the Municipal Code by the mayor or, upon request, by one-sixth of the eligible voters.
- 3) An approved municipal petition must contain:
 - a) a precise wording of the referendum or initiative; in the case of initiatives that contain merely a suggestion, the purpose of the requested resolution or law must be stated; in addition, it may also contain:
 - b) in the case of initiative petitions, a brief and factual justification of the proposals;
 - c) minutes of the municipal assembly signed by the mayor and a member of the municipal council, showing the date of the municipal assembly, the manner in which the petition was put to a vote and adopted, the number of eligible voters who participated, and the number of those in favor.
- 4) If these minutes are not attached to the petition, they must be enclosed with the petition as an appendix.
- 5) Municipal votes that have not been preceded by proper or complete notification of the referendum or initiative to the eligible voters—whether at the meeting itself or beforehand through notification at a preliminary meeting or personal delivery—are invalid.

6) The minutes, together with the petition, shall be submitted to the government, which shall handle them in accordance with the following provisions regarding collective petitions.

Art. 69

Collective Petitions

1) Petitions regarding referendums or initiatives must be submitted to the government by the eligible voters submitting the petition, along with an indication of the municipality, in the form of hand-signed petitions, each sheet of which must bear the date on which the signature was affixed.

2) The eligibility to vote and the signatures of the signatories must be certified by the municipal council of the municipality in which they exercise their political rights, on the petition itself, with the date appended at the end, based on the voter registry and the information provided by the signature collector or the signatory themselves. No fees may be charged for this.

3) Petitions may be submitted individually or collectively; in the latter case, however, with the restriction that a collective petition may not contain signatures of eligible voters residing in other municipalities.

4) Signatures from citizens residing in other municipalities are simply disregarded during the verification process.

5) It is not permitted to include requests of entirely different kinds in the same submission; that is, a request for a referendum may only be made in the same submission regarding a constitutional, legislative, or financial resolution, and likewise, only one initiative request concerning legislation (the Constitution) may be included in the same submission. It is also impermissible to include both a referendum and an initiative request in the same petition.

6) Petitions that do not comply with the above provisions shall be rejected by the government, with a statement of the deficiency, and returned to the first signatory of the petition for the attention of all petitioners; such petitions shall be invalid if the deficiency is not remedied within a reasonable time (Art. 70).

7) The text of both the citizens' initiative and the municipal petition must be identical on all individual signature sheets and in all minutes of municipal meetings.

Art. 70

Deadlines

- 1) Referendum and initiative petitions may be validly filed if they concern
 - a) a vote on a legislative, financial, or constitutional resolution of the State Parliament, in whole or in part, within 30 days of the official publication of the State Parliament's resolution in the official gazettes, whereby the deadline is calculated from the first publication in a gazette and the day of that publication is not included;
 - b) for an initiative petition within the meaning of Articles 48 and 64 of the Constitution within six weeks; this period begins with the official publication made by the government following the submission of the petition and is calculated in accordance with subparagraph (a).
- 2) Notifications of municipal initiatives to the government may be submitted by the municipal council, the municipal mayor, or a member of the municipality entitled to vote. Notifications of collective initiatives are submitted by the relevant initiator.
- 3) Initiative petitions (collective or municipal initiatives) seeking 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 two years have elapsed since the referendum, and a recall petition may be submitted only once within a period of one year.
- 4) Petitions that violate the foregoing provisions may be rejected by the authority, and the convening of a municipal assembly may be refused. An appeal may be filed against such a rejection or refusal.

Art. 70a

Deadlines for Referendum Petitions Against International Treaties

- 1) Requests for a referendum on the Landtag's approval of an international treaty may be validly submitted within 30 days of the official publication of the Landtag's decision in the official gazettes, with the deadline calculated from the first publication in any of these gazettes, excluding the day of publication itself.

2) Petitions that violate the foregoing provisions may be rejected by the authority, and the convening of a municipal assembly may be refused. An appeal may be filed against such a rejection or refusal.

Art. 70b

Preliminary Review

1) If initiative petitions (collective or municipal initiatives) are filed with the government, it shall examine whether they are consistent with the Constitution and existing international treaties, and shall forward its report, together with the petitions, to the State Parliament for further consideration.

2) The State Parliament shall consider the initiative at its next session. If it determines that the initiative is inconsistent with the Constitution and existing international treaties, it shall declare it null and void.

3) An appeal against a declaration of nullity by the State Parliament may be lodged with the State Constitutional Court.

Art. 71

Review of Petitions and Publication

1) The government immediately reviews the submissions received from petitioners or municipalities to ensure their legality (Art. 69 and 70).

2) When determining the number of signatures for a petition, in addition to invalid and late signature sheets, the following are disregarded:

- a) Signatures of persons not eligible to vote;
- b) Signatures not written in the voter's own hand;
- c) Signatures on sheets that do not contain the signers' municipality of residence, unless the signers themselves have added this information;
- d) any signature from the same voter that appears more than once.

3) The government shall arrange for the publication of the results of the review of the submitted petitions.

Art. 72

Government Order

1) If a request for a referendum (on the dissolution of the State Parliament or on a constitutional, legislative, or financial resolution) has been submitted by a sufficient number of municipalities or eligible voters, or

if the State Parliament 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, to be held within three months.

2) If, on the other hand, a request concerning legislation (enactment, amendment, or repeal) is submitted, the government shall submit it to the State Parliament for further consideration, together with its report and all relevant documents.

3) If a request to convene the State Parliament has been validly submitted, the Government shall arrange for its immediate convening.

Art. 73

Examination of Ballot Papers

1) Ballots whose content cannot be identified as a definite “yes” or “no” are invalid.

2) In all other respects, the provisions of Art. 52 apply mutatis mutandis (Art. 84).

Art. 74

Annulment of a Vote

1) The annulment of a vote is within the authority of the Government, subject to an appeal by a voter to the Administrative Court.

2) Depending on whether the acts or events justifying the nullification apply only to the vote at a single polling place or to the entire country, the Government may declare the vote wholly or partially null and void and, in such a case, must order a new vote for the polling place in question or for the entire country.

3) In all other respects, Articles 64 through 66 of this Act shall apply mutatis mutandis to the filing of complaints and the annulment of a vote, insofar as their provisions are not manifestly inapplicable or deviations are not provided for in the preceding paragraphs.

II. Section

Referendum Art.

75 Requirements

1) Any legislative resolution passed by the State Parliament that is not declared urgent by the Parliament, as well as any financial resolution not declared urgent by the State Parliament, is subject to a referendum (optional referendum) if it entails a one-time new expenditure of at least 500,000 francs or an

~~(VRG)~~

new annual expenditure of 250,000 francs, is subject to a referendum (optional referendum) if

a) the State Parliament itself decides to hold such a referendum or
b) within thirty days of the official publication of the relevant Landtag resolution, at least 1,000 eligible voters or at least three municipalities, in the form of unanimous municipal assembly resolutions, submit a request for a referendum.

2) If the resolution concerns the Constitution as a whole or a part thereof, the request of at least 1,500 eligible voters or of at least four municipalities in accordance with subparagraph (b) of the preceding paragraph is required, unless the Provincial Assembly passes a resolution to that effect on its own initiative.

3) The motion for a referendum must be submitted to the State Parliament immediately following the final vote, whereupon the State Parliament shall decide on the matter.

4) The decision of the Provincial Assembly to declare a legislative, financial, or constitutional resolution urgent must be attached to the resolution in question. In such cases, the Government must immediately submit the resolution to the Governor for approval and, upon receiving such approval, publish it in the Provincial Gazette and put it into effect.

Art. 75a

Requirements for International Treaties

1) Any resolution of the State Parliament that concerns the approval of an international treaty (Art. 8) is subject to a referendum if the State Parliament so decides or if, within 30 days of the official publication of the State Parliament resolution, at least 1,500 eligible voters or at least four municipalities, in the form of unanimous municipal assembly resolutions, request a referendum.

2) The motion for a referendum must be submitted to the State Parliament following the ratification of an international treaty, whereupon the State Parliament must decide on the matter.

Art. 76

Failed or Unsubmitted Referendum Requests

1) All other constitutional, legislative, or financial resolutions that do not fall under the aforementioned exception must, following their adoption by the State Parliament, be published by the government in the official gazettes, stating the date on which the referendum period expires and citing their title.

2) If neither the State Parliament decides to hold a referendum nor is a legally valid request for a referendum submitted within 30 days of the official publication of a constitutional, legislative, or financial resolution, or if, although such a request has been received by the government within the aforementioned period, but an official review reveals that it is not supported by the required number of eligible voters or municipal resolutions, the government shall submit the relevant resolutions concerning laws or the Constitution—with the exception of financial resolutions not issued in the form of a law and not affecting the assets of the state treasury (Art. 70 of the Constitution), to the Prince for his approval, and, following any such approval, to publish them in the State Gazette and subsequently implement them.

Art. 76a

Failure to Initiate or Withdrawal of a Referendum Request Regarding International Treaties

1) After approval by the State Parliament, international treaties shall be published by the Government in the official gazettes, stating the date on which the referendum period expires, and citing their titles.

2) If neither the State Parliament decides to hold a referendum nor is a legally valid request for a referendum submitted within 30 days of the official publication of the approval of an international treaty, or if, although such a request has been received by the government within the aforementioned period, but an official review reveals that it is not supported by the required number of eligible voters or municipal assembly resolutions, the government shall publish the international treaty in the State Gazette following ratification.

Art. 77

Valid Referendum Petition

1) If, on the other hand, the State Parliament decides to hold a referendum, or if the required number of eligible voters or municipalities request a

(VRG)

referendum within the open period, the government must order a referendum (Art. 72).

- 2) As a rule, the referendum is held on a legislative or other resolution as a whole.
- 3) However, the State Parliament has the right to decide that the vote shall be conducted in such a way that separate votes are taken on individual parts of a bill or a resolution; in the latter case, the relevant questions shall be printed on the ballot.
- 4) The government shall verify the results of the referendum on the basis of the voting records received and publish them in the official gazettes.

Art. 78

Adopted or Rejected Resolutions

- 1) If a constitutional, legislative, or financial resolution has been adopted by an absolute majority of valid voters throughout the country, the government shall, after obtaining the sovereign’s approval, publish the law in the Official Gazette and enforce it.
- 2) If the vote on a proposal took place in separate parts, in the event of only partial adoption, the adopted part shall become law (Constitution), unless it is merely a financial resolution not enacted in the form of a law and not affecting the assets of the state treasury (Art. 70 of the Constitution), and the government shall simultaneously report to the State Parliament.
- 3) The government shall append the following to every law or constitutional resolution adopted in a referendum that is to be published in the State Gazette, at the end before signing and countersigning:

"The government, having taken note of the report on the results of the referendum held on, which shows:

Number of eligible voters	
Number of votes cast	
The recipients are	
Those voting against are	

Invalid votes

Blank votes

Resolves:

The referendum proposal on

is declared to have been accepted by the people."

4) If a proposal is rejected in a referendum, the government shall declare it null and void, reporting this to the State Parliament, and its enactment and implementation shall be suspended.

Art. 78a

Resolutions on international treaties that have been accepted or rejected

1) If the State Parliament's approval of an international treaty has been adopted by an absolute majority of the valid votes cast throughout the state, the government shall publish the treaty in the State Gazette following its ratification.

2) The manner of publication shall be in accordance with the procedure set forth in Article 78, paragraph 3.

3) If the State Parliament's resolution is rejected in a referendum, the government shall declare it null and void, reporting this to the State Parliament.

Art. 79

Referendum

1) The State Parliament is authorized to call a referendum on the inclusion of specific provisions in a law to be enacted (Art. 66, para. 3 of the Constitution).

2) Such a vote shall be ordered and conducted by the government in accordance with the relevant provisions of this Act.

III. Section

Initiative

a) Legislative initiative

Art. 80

Application

1) The right of initiative, insofar as it relates to legislation, encompasses the request for the enactment, amendment, or repeal of a law.

2) Such requests may be submitted by voters or municipalities in the form of a simple suggestion (simple initiative) or a fully drafted

VRG

(VRG)

draft (formulated initiative) and may be supported by a statement of reasons in either case (Art. 64, para. 3, and Art. 66, para. 6, of the Constitution).

3) A referendum (municipal or collective initiative) whose implementation would result in either a one-time new expenditure of 500,000 francs not provided for in the Finance Act or a recurring annual new expenditure of 250,000 francs for the state, must be accompanied by a funding proposal if it is to be considered by the State Parliament, unless it concerns a law already provided for in the Constitution.

4) If the right of initiative is exercised,

a) the petition or municipal resolution must be submitted to the government for review and publication (Art. 70); signatures collected or municipal resolutions adopted prior to this are not taken into account in the calculation;

b) within the six-week period specified in Art. 70(b), a petition supported by at least 1,000 eligible voters or by at least three municipalities in the form of consistent municipal assembly resolutions (municipal initiative) must be submitted to the government for the attention of the State Parliament, in which the subject matter of the petition must be clearly specified.

Art. 81

Opinion of the State Parliament

1) The State Parliament shall take up an initiative petition at its next session following receipt thereof and shall deal with it without delay.

2) If a petition has been submitted merely as a simple suggestion, the State Parliament must state whether it agrees with the petition or not.

3) In the event of approval, the State Parliament shall address the suggestion by enacting, repealing, or amending a law (or the Constitution), subject to a referendum and the consent of the Prince.

4) If the State Parliament does not approve a simple initiative, it lapses, unless the Parliament itself decides to hold a referendum on the initiative; if, in such a case, an absolute majority of valid voters votes in favor of the citizens' initiative or the Parliament's initiative, the State Parliament must draft the approved initiative in accordance with the referendum result. The relevant resolution is generally subject to an optional referendum. Art. 82

Formulated Initiatives

- 1) If the initiative has been submitted in the form of a detailed draft, the State Parliament must decide without delay whether to approve the draft initiative—which must, if necessary, be accompanied by a funding proposal—as submitted, or not.
- 2) If the State Parliament does not approve the draft, it shall instruct the government to order a referendum.
- 3) In this regard, the State Parliament has the right to submit its own motions to reject the proposal or to adopt an amended version thereof, in response to the draft submitted by the initiators or municipalities, and, if necessary, to justify such motions in a message addressed to the people.

Art. 82a

Simultaneous Submission of Multiple Initiatives on the Same Subject

- 1) If several initiative proposals on the same subject are submitted simultaneously, the State Parliament shall consider them in the same session.
- 2) Multiple initiative petitions on the same subject are 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 apply to the procedure. Art. 82b

Withdrawal of Initiatives

- 1) If initiatives contain a withdrawal clause, they may be withdrawn by a unanimous resolution of all members of the initiative committee.
- 2) Withdrawal of an initiative is permitted until the government has set the date of the vote. If an initiative takes the form of a simple proposal and the Landtag approves it, withdrawal is permitted until the Landtag's approval resolution.

Art. 83

Question

- 1) If only one proposal is put to a vote, the ballot must contain the question: "Do you wish to adopt the draft?"
- 2) If, in addition to the draft initiative, a counterproposal from the State Parliament is also submitted to a referendum, voters are presented with the following two questions: "Do you wish to accept the initiators' draft? or Do you wish to accept the State Parliament's counterproposal?"

3) If two or more initiative proposals on the same subject are submitted to a referendum, voters are presented with the following questions on the same ballot: “Do you wish to accept the draft ‘...’?” and “Do you wish to accept the draft ‘...’?” etc. The order of the proposals is determined by the date on which they were submitted to the government. If the proposals are not clearly distinguishable, the wording of the questions must be supplemented so that the content of the initiative is clearly evident.

4) If, in addition to two or more initiative proposals on the same subject, a counterproposal from the State Parliament is also submitted to a referendum, the following questions are presented to eligible voters on the same ballot: “Do you wish to accept the draft ‘...’?” and “Do you wish to accept the draft ‘...’?” etc., and “Do you wish to accept the counterproposal of the State Parliament?”

5) If two or more proposals (paras. 2–4) are put to a vote, voters are also asked the following additional question on the same ballot: “If you approve more than one proposal, which of these proposals do you prefer?”

6) In this case, the voters’ approval of a draft initiative shall constitute the resolution of the Landtag otherwise required for the adoption of a law (Art. 66, para. 6 of the Constitution).

Art. 84

Determination of the Voting Result

1) Blank and invalid ballots are not counted when determining the absolute majority. In votes on multiple proposals, this also applies to unanswered individual questions; the absolute majority is determined separately for each proposal.

2) If, in a vote on multiple proposals, more than one proposal receives an absolute majority of votes, ballots with multiple “yes” votes are counted only toward the proposal to which they give preference in the supplementary question. The proposal that receives the majority of votes based on this second count is adopted.

3) Ballots with multiple “yes” votes that do not answer the supplementary question or do not answer it clearly shall not be taken into account in a possible second count.

4) In addition to the information required under Art. 34 regarding the votes, the minutes shall also record how many votes were cast for the initiators’ draft

or the individual draft proposals of the initiators and how many accepted the draft of the State Parliament.

5) If a second count is necessary to address the supplementary question, this result must also be recorded in the minutes.

b) Constitutional Revision Initiative

Art. 85

Admissibility and Procedure

1) At least 1,500 eligible voters or at least four municipalities, in the form of unanimous municipal assembly resolutions, may submit a request for a revision of the Constitution (enactment, amendment, or repeal) in whole or in part (total or partial revision).

2) In all other respects, the provisions governing legislative initiatives apply mutatis mutandis to the procedure for constitutional initiatives and their handling.

c) Dissolution of the State Parliament

Art. 86

Admissibility and Procedure

1) Upon a reasoned written request from at least 1,500 eligible voters or upon a reasoned written request from four municipalities in the form of unanimous municipal assembly resolutions, a referendum must be held by order of the government if these initiatives call for the dissolution of the State Parliament and have otherwise been validly submitted.

2) The right of recall may be exercised only against the State Parliament as a whole, but not against individual members.

3) The provisions of this section shall apply mutatis mutandis to this referendum (submission, collection of signatures, adoption of municipal assembly resolutions, ordering of the referendum, etc.).

4) In the vote, the question shall be put to the voters: “Do you wish to have the State Parliament dissolved?”

5) If an absolute majority votes in favor of dissolving the State Parliament, the government shall declare the State Parliament dissolved and immediately order new elections in accordance with the Constitution.

6) The Provincial Assembly to be dissolved retains the authority to appoint the Provincial Committee (Art. 72, para. 2 of the Constitution).

d) Nominations for judicial candidates

Admissibility and Procedure

1) In the event of a popular election of judges pursuant to Art. 96(2) of the Constitution, candidates may be nominated for election by at least 1,000 eligible citizens of the country or on the basis of unanimous resolutions of municipal assemblies from at least three municipalities.

2) Nominations must be submitted in writing to the Government within 14 days of the date of the official announcement by the Government of the date for holding a popular election. The popular election must in any case take place no later than four months after this official announcement.

3) The government shall review the nominations received in accordance with the criteria prescribed by law—which must be published in the official announcement—to ensure they meet the formal requirements for candidacy for a judicial position to be filled.

4) The six-week period for submitting nominations begins with the government's official announcement of the results of its review of the nominations that have been filed.

5) If the nominations for judicial candidates are submitted with the number of votes required by law, the government must publish the nominations from the Judicial Selection Committee, the State Parliament, and eligible state citizens, together with the call for nominations and the criteria prescribed by law for the judicial position to be filled, in the official gazettes.

6) Only official ballots may be used to conduct the election. Separate ballots must be used for the various nominations.

IV. Section

Convening of the State Parliament

Art. 87

Admissibility and Procedure

1) Upon a reasoned written request from at least 1,000 eligible voters or based on unanimous resolutions of municipal assemblies from at least three municipalities, the State Parliament must be convened immediately (Art. 48, para. 3 of the Constitution).

- 2) The provisions governing initiative petitions shall apply *mutatis mutandis* to the submission of such a request.
- 3) The government shall forward the request to the President of the State Parliament for implementation.
- 4) If the Landtag has been dissolved, new elections must be called without delay in accordance with the Constitution, and the Landtag must then be convened.
- 5) If the State Parliament is in recess or has adjourned, it shall likewise be convened immediately by the President or by the Government.

V. Title **Penal**

Provisions Art. 88

Offenses

- 1) The provisions of this article apply to the elections and referendums on public matters provided for in this law.
- 2) The Regional Court shall punish as a misdemeanor, with imprisonment for up to six months or a fine of up to 360 daily rates, any person who intentionally:
 - a) Repealed
 - b) Repealed
 - c) Repealed
 - d) Repealed
 - e) Repealed
 - f) Repealed
 - g) signs a referendum or initiative petition with a signature other than his own;
 - h) has affixed a signature other than his own to a nomination form;
 - i) unauthorizedly orders, produces, or distributes official ballots or ballots identical or similar to official ballots, or causes such acts to be performed;
 - k) alone or in conjunction with others, convenes a meeting of eligible voters that was called for the purpose of hearing candidates, voters, discussing elections, votes, or other political rights to be exercised under this law, by unlawfully entering, preventing access, displacing those present or the chairperson of the meeting, or by violently resisting the formal orders of the chairperson.

(VRG)

3) In cases a, b, d, and e of the preceding paragraph, an attempt is also punishable.

4) Repealed

5) Repealed

6) If, as a result of a criminal act, the election or vote is invalid, the guilty party may also be ordered by the court to reimburse the State for the expenses incurred as a result of the invalid election or vote, to the extent that such expenses have become futile.

Art. 89

Misdemeanor

Anyone who engages in campaigning at a polling station or its immediate vicinity shall, unless the elements of the offense under Article 88 are present, be punished by the District Court for a misdemeanor with a fine of up to 5,000 francs or, if the fine cannot be collected, with imprisonment for up to one month.

Art. 90

Administrative Offenses

A municipal head who, pursuant to the Municipal Act, fails to convene a municipal assembly upon the request of one-sixth of the eligible voters for the purpose of exercising the right of referendum, the right of initiative, or the right to appoint or recall officials within 14 days, or who fails to have the official ballots delivered to eligible voters in a timely manner prior to an election or vote, or who refuses to certify the signature sheets (Art. 69 para. 2), may be issued a warning by the government upon complaint by a voter or ex officio, and may be subject to an administrative fine of up to 1,000 francs.

VI. Title: **Final**

Provisions Art. 91

Implementation

1) The government shall issue the regulations necessary for the proper conduct of elections and referendums by ordinance.

2) It is authorized to introduce forms where it deems appropriate. Art. 91a

Delegation of Powers

The government may, by ordinance, delegate the powers conferred upon it in Articles 24, 26, 32, 36, 39, 40, 42, 43,

Matters assigned under Articles 44, 45, 46, 47, 69, 71, 76, 76a, 77(4), and 78 may be delegated by the Collegiate Government to an administrative office for independent disposition, subject to the right of appeal. The deadline for filing an appeal is 14 days from the date of service of the relevant order or decision.

Art. 92

Repeal of Older Provisions

Upon the entry into force of this Act, the following are repealed:

- a) the Act of August 31, 1922, concerning the exercise of political rights in matters of state, LGBL 1922 No. 28; the following article remains in force;
- b) the proclamation of May 1, 1931, LGBL 1931 No. 5;
- c) the Act of January 18, 1939, on the introduction of proportional representation, LGBL 1939 No. 4;
- d) the Act of September 30, 1947, amending the provisions governing the conduct of municipal elections and referendums on municipal matters, LGBL 1947 No. 54;
- e) the Act repealing the Act of July 13, 1930, amending the Act on the Exercise of Political Rights in State Matters, LGBL 1947 No. 56;
- f) the Act of February 25, 1958, LGBL 1958 No. 2;
- g) the proclamation of May 30, 1962, LGBL 1962 No. 17;
- h) Articles 1 through 4 of the Act of November 14, 1969, LGBL 1969 No. 48.

Art. 93

Repealed Art. 94

Entry into Force

This Act shall enter into force on the date of its promulgation.

IX. Municipal Act (GemG)

of March 20, 1996

I. General Provisions

Art. 1

Scope of Application

- 1) This Act governs the existence, functions, and organization of political municipalities. They are referred to as "municipalities" in this Act and other statutes.
- 2) Where the masculine form of a personal designation is used in this Act, the feminine form is also included.
- 3) Special legal provisions apply to civic associations. This law applies to them only to the extent expressly provided.

Art. 2

Existence

The Principality of Liechtenstein comprises the municipalities of Vaduz, Balzers, Planken, Schaan, Triesen, and Triesenberg in the Vaduz region (Oberland) and Eschen, Gamprin, Mauren, Ruggell, and Schellenberg in the Schellenberg region (Unterland).

Art. 3

Definition

The municipalities are local authorities under public law. They comprise the territory defined by their municipal boundaries and, within the limits of their statutory jurisdiction, exercise sovereignty over all persons and property located within their territory.

Art. 4

Autonomy

Municipalities organize and administer their own affairs independently within their own sphere of activity under the supervision of the state. They perform state tasks within the sphere of activity delegated to them.

Art. 5

Political Rights

Political rights in the municipality include the right to vote, the right to stand for election and to be elected, as well as the right of initiative and referendum.

Art. 6

Changes to Municipal Boundaries

Changes to municipal boundaries are made by law. Such a law may only be enacted if the municipalities involved approve such a measure in unanimous resolutions of their municipal assemblies.

Art. 7

Special-purpose associations

1) Municipalities may form special-purpose associations or join existing ones for the joint fulfillment of public tasks.

2) The special-purpose association is established by an agreement between the municipalities regarding the association and the government's approval of the agreement.

3) The agreement must contain the information necessary for the proper and appropriate performance of tasks. In particular, it must address termination and dissolution, as well as their consequences.

Art. 8

Name, Coat of Arms, Colors, and Seal

1) The municipalities retain their traditional names and the coats of arms, colors, and seals granted by the sovereign.

2) Changes to the name are made by law if the municipal assembly resolves to take such action.

3) The municipalities are authorized to issue regulations containing more detailed provisions regarding the display and use of municipal coats of arms and flags.

Art. 9

Municipal Code; Regulations

1) The municipalities shall set forth in the municipal code the rights and duties of residents, the organization of the authorities, and the procedures before the authorities, insofar as no statutory regulations exist.

2) Within the framework of the municipal code, certain areas of responsibility may be regulated and delegated by regulations.

Art. 10

Local Police Regulations

Unless otherwise provided by law, municipalities may issue regulations to prevent or remedy abuses that disrupt local community life. They may declare non-compliance with or violation of such regulations to be a punishable offense and impose fines of up to 10,000 Swiss francs. Art. 11

Official Notices

1) The municipalities shall establish, in a set of regulations, how decisions and orders that must be published in accordance with the law or in consideration of interests worthy of protection are to be officially announced.

2) The official announcement is made by posting it on the agency's website for a period of 14 days or by sending a written notice to each affected party. It may also be made by:

- a) Inclusion in a municipal newsletter distributed to all households;
- b) Advertisement in official publications;
- c) broadcasts on radio and television.

2a) Generally binding resolutions of municipal bodies must, in any case, be publicly accessible for their entire period of validity.

3) Other forms of publication required by law are reserved.

II. Duties

Art. 12

Municipal Jurisdiction

1) The municipality's own sphere of activity encompasses everything that primarily concerns the interests of the municipality and can be regulated and administered by it to a significant extent. In addition, the municipality may perform tasks under free self-government, provided that no legal restrictions preclude this.

2) The municipality's own sphere of activity includes, in particular:

- a) the election of municipal bodies;
- b) the organization of the municipality;
- c) the granting of municipal citizenship;
- d) the management of municipal assets and the construction of public buildings and facilities;
- e) the collection of levies and the imposition of tax surcharges;

- f) the promotion of social, cultural, and religious life, including research on individuals, families, and genealogy, as well as the maintenance and publication of family histories and biographies;
- g) the establishment and maintenance of kindergartens and elementary schools;
- h) the maintenance of peace, safety, and order;
- i) local planning;
- k) water supply, as well as sewage and waste disposal. Art. 13

Delegated Scope of Authority

- 1) The delegated sphere of activity comprises matters of the state that the municipalities handle in accordance with the law.
- 2) Municipalities are required to cooperate in the enforcement of laws. They are provided with the necessary resources for this purpose.
- 3) Laws that provide for municipal participation must specify whether a matter falls within the municipality's own sphere of authority or within a delegated sphere of authority.

III. Municipal citizenship

Art. 14

Principle

Every citizen of the Principality must be a citizen of a municipality, with the exception of members of the Princely House. It is not permitted to be a citizen of more than one municipality or to be a municipal citizen at all without possessing citizenship of the Principality.

Art. 15

Content

Municipal citizenship grants the citizen the right of domicile in the respective municipality. The right of domicile specifically includes the right to participate in the admission of citizens from other municipalities and foreign nationals to municipal citizenship, as well as the entitlement to the issuance of a certificate of domicile.

Acquisition of Municipal Citizenship

Art. 16

Municipal citizenship is acquired:

- a) by birth, adoption, or the discovery of a child of unknown parentage (foundling);

b) by admission upon application:

aa) of a citizen of the country residing in the municipality;

bb) the child of a municipal citizen;

c) through admission via a simplified procedure following marriage, the establishment of a registered partnership, long-term residence, or statelessness;

d) through admission via the standard procedure.

Art. 17

a) Birth, Adoption, and Finding of a Child of Unknown Parentage (Foundling)

1) The municipal citizenship of children born to Liechtenstein mothers and fathers and of adopted children is determined by the municipal citizenship of the parent whose surname the child bears.

2) If both parents do not hold Liechtenstein citizenship, the children acquire the municipal citizenship of the Liechtenstein parent.

3) Foundlings acquire municipal citizenship of the municipality in which they are found.

b) Admission upon application

Art. 18

aa) Citizens of Liechtenstein residing in the municipality

1) Citizens of another municipality are admitted to municipal citizenship upon application if they have resided in that municipality for the five years preceding the application and are in possession of civil rights and privileges.

2) Upon the applicant's admission, his or her minor Liechtenstein children also acquire municipal citizenship if the children are included in the admission with the consent of both parents or if only one parent holds Liechtenstein citizenship.

3) The municipal council decides on the application for admission.

Art. 19

bb) Children of Municipal Citizens

1) Citizens of another municipality shall be admitted to municipal citizenship upon application if the father or mother is a municipal citizen.

2) The application for admission must be submitted by the applicant within five years of reaching the age of majority.

- 3) Upon the applicant's admission, his or her minor Liechtenstein children also acquire municipal citizenship if the children are included in the admission with the consent of both parents or if only one parent holds Liechtenstein citizenship.
- 4) The municipal council decides on the application for admission.

Art. 20

c) Naturalization through Admission under the Simplified Procedure

Foreign nationals who are naturalized through admission under the simplified procedure acquire municipal citizenship in accordance with the provisions of the Law on the Acquisition and Loss of National Citizenship.

Art. 21

d) Admission under the standard procedure

- 1) The municipality has the right to assure a foreign national of admission as a municipal citizen in the event of the conferral of Liechtenstein national citizenship and to admit him or her as a municipal citizen upon fulfillment of this requirement.
- 2) The applicant's spouse and minor children born in wedlock, or their registered partner, also acquire municipal citizenship, provided they are included in the application for Liechtenstein citizenship.
- 3) The decision on admission is made by the municipal citizens residing in the municipality. The applicant must pay an administrative fee.

Art. 22

Loss of municipal citizenship

Municipal citizenship is lost due to:

- a) Loss of state citizenship;
- b) Acquisition of municipal citizenship in another municipality.

Art. 23

Honorary Municipal Citizenship

1) Every municipality has the right to confer honorary municipal citizenship; the decision to confer it is made by the municipal citizens residing in the municipality. For the conferral of honorary citizenship on foreign nationals, the provisions of the law on the acquisition and loss of cantonal citizenship regarding honorary citizenship also apply.

2) An honorary citizen of a municipality has the right to take up residence in that municipality at any time. As long as they reside there, they are entitled to political rights in municipal affairs. Honorary citizenship is strictly personal and does not confer any further rights; there is no entitlement to local documents. It is permissible to be an honorary citizen of multiple municipalities.

IV. Organization

A. Municipal Assembly

1. General

Art. 24

Composition

The municipal assembly consists of eligible voters residing in the municipality.

Art. 25

Status, Duties, and Powers

- 1) The municipal assembly is the highest body of the municipality.
- 2) The municipal assembly has the following duties and powers:
 - a) Enacting the municipal code and regulations that establish rights and obligations subject to penalties;
 - b) Election of the mayor and the other members of the municipal council;
 - c) Election of the Audit Committee;
 - d) Election of those committees that, by law, must be appointed by the municipal assembly;
 - e) Repealed;
 - f) Approval of new one-time and annually recurring expenditures;
 - g) Assumption of sureties and granting of guarantees;
 - h) Establishment of municipal institutions;
 - i) Participation in private or mixed-economy enterprises;
 - k) Joining or withdrawing from special-purpose associations;
 - l) Changes to the municipal boundaries or the composition of the municipality;
 - m) Construction of major municipal facilities and structures;
 - n) Decisions on referendums (Art. 41) and initiatives (Art. 42).
- 3) The municipal code specifies whether decisions on regulations that establish rights and obligations subject to criminal penalties (para. 2(a))

The establishment of municipal institutions (para. 2, letter h) and membership in special-purpose associations (para. 2, letter k) fall within the jurisdiction of the municipal assembly or the municipal council.

4) Tasks and powers pursuant to para. 2, letter f (approval of expenditures), letter g (sureties and guarantees), letter i (equity investments) and letter m (construction projects) fall within the jurisdiction of the municipal assembly only if the one-time expenditures to be approved exceed 35% of operating revenues. The approval of annually recurring expenditures falls within the jurisdiction of the municipal assembly if the expenditures exceed 20% of operating revenues. The relevant figure is the operating revenue from the previous year's income statement, net of internal offsets and refunds.

5) The municipal assembly exercises oversight over municipal authorities and all branches of the municipal administration, including municipal institutions. Art. 26

Decision-making

In all cases where this or any other law provides for the convening or holding of a municipal assembly or a decision by the residents of the municipality, the municipal council may instead order a ballot vote.

2. Meeting

Art. 27

Convening, Quorum

1) The municipal assembly is convened by the mayor upon resolution of the municipal council.

2) The municipal assembly has a quorum if it has been duly convened.

Art. 28

Notice, Decision-Making

1) No later than two weeks before the municipal assembly, the mayor shall summon those eligible to vote by delivering voting cards and the agenda, which includes the motions and any explanatory notes. The documents for deliberation and voting shall be made available to the public.

2) Resolutions may only be passed on items that have been duly announced.

Art. 29

Presiding Officer

1) The mayor presides over the meeting and conducts the proceedings. If the mayor is unable to attend, the deputy mayor shall act in his stead; if the deputy mayor is also unable to attend, the oldest member of the municipal council shall act in his stead.

2) The chairperson verifies voting eligibility and the number of attendees. He or she ensures that order and decorum are maintained.

Art. 30

Public

The municipal assembly is open to the public. The chairperson may, for important reasons, prohibit the participation of persons without voting rights.

Art. 31

Motions, Votes

1) Any person entitled to vote may request the floor regarding the matter under consideration and submit a motion on the matter or on a point of order.

2) Votes are taken by open ballot unless at least one-eighth of the voting members present or fifteen of the voting members present request a secret ballot. A simple majority of valid votes is sufficient for a vote to be valid, unless otherwise prescribed by law.

3) Elections are by secret ballot. A relative majority of votes is sufficient for the validity of elections, unless otherwise required by law.

Art. 32

Right to Make Proposals

1) Every voter is entitled to propose to the assembly that a new matter be referred to the municipal council for a report and a motion.

2) The matter to be examined by the municipal council must be placed on the agenda of the next meeting. If this is not possible, the reasons must be explained to the assembly.

Art. 33

Right to Ask Questions

Every eligible voter may submit inquiries regarding the activities of the municipal authorities and the municipal administration. The mayor must respond to such inquiries. This may be followed by a general discussion.

Art. 34

Resolutions

- 1) The municipal assembly has a quorum if one-sixth of the eligible voters are present. If this quorum is not reached, a second municipal assembly must be convened within six weeks, which has a quorum regardless of the number of attendees.
- 2) Resolutions are adopted by a simple majority of those voting. In the event of a tie, the motion for which the chairperson votes is adopted.
- 3) Resolutions become legally valid upon adoption by the voters. If resolutions require government approval, they become legally valid upon publication.

3. Referendum

Art. 35

Elections

Elections for the mayor, the other members of the municipal council, and the audit committee are subject to a ballot vote.

Art. 36

Policy Matters

Prior to referendums on policy matters, informational meetings are generally held in advance; in the case of initiatives, such meetings must be held at the request of the initiators. Voters must be informed in writing of the policy matter no later than two weeks before the vote, or one week before the vote if informational meetings are held beforehand.

Art. 37

Procedure

At the polls, eligible voters make decisions in accordance with the same rules that apply to state matters; however, a valid resolution is only adopted if one-sixth of eligible voters participate in the vote.

B. Municipal Council

1. Composition

Art. 38

Number of Members

- 1) The municipal council consists of the mayor and, in municipalities with
 - a) up to 1,500 inhabitants, six or eight members,

- b) up to 3,000 inhabitants, eight or ten,
 - c) in municipalities with more than 3,000 inhabitants, ten or twelve additional members. The number is to be specified in the municipal code.
- 2) The most recently published official population statistics shall be used to determine the population.

2. Status

Art. 39

Representation of the Municipality

The municipal council and the mayor represent the municipality within the scope of their authority.

Art. 40

Duties and Powers

- 1) The municipal council is the governing and executive body of the municipality. It is vested with all powers not delegated to another body.
- 2) The municipal council is responsible in particular for:
 - a) organizing the administration;
 - b) Appointing committees, unless the municipal assembly is responsible;
 - c) Preparing all matters and submitting proposals to the municipal assembly;
 - d) Management of the municipal budget, including that of municipal institutions;
 - e) Financial planning;
 - f) Setting the budget and the municipal tax surcharge, as well as supplementary, commitment, and additional appropriations;
 - g) Approval of the municipal accounts and discharge of the municipal bodies;
 - h) Enacting building codes and zoning plans;
 - i) Determining expenses and collecting assessments;
 - k) Awarding public works contracts and supply contracts;
 - l) Deciding on the conclusion of contracts;
 - m) Enacting regulations, unless such authority is reserved for the municipal assembly;
 - n) Appointment of municipal staff and determination of salaries;
 - o) Granting of municipal citizenship to domestic applicants;
 - p) other duties assigned to it by law or by the municipal assembly.

3) The municipal code specifies whether decisions regarding the tasks and powers listed in paragraph 2, letter f (budget), letter g (financial statements), and letter h (local planning) fall under the jurisdiction of the municipal assembly or the municipal council.

4) The municipal council carries out the tasks listed in paragraph 2 within the financial framework established by the municipal code.

Art. 41

Referendum

1) One-sixth of the eligible voters may, by means of a reasoned written request, demand that resolutions of the municipal council be considered by the municipal assembly if they exceed the maximum amount specified in the municipal code, which may range from 100,000 francs to 300,000 francs. These resolutions include:

- a) the purchase of land;
- b) the construction of municipal facilities and structures;
- c) the taking out of loans or the provision of guarantees;
- d) the approval of new one-time and annually recurring expenditures;
- e) the approval of supplementary, commitment, and additional appropriations.

2) Regardless of the maximum amount specified in the municipal code, a referendum may be requested against the following resolutions of the municipal council:

- a) the adoption of the budget and the municipal tax surcharge;
- b) the approval of the municipal accounts and the discharge of the municipal bodies;
- c) the adoption of the zoning plan and building code;
- d) the initiation of a land readjustment;
- e) the collection of levies;
- f) the sale and exchange of real estate;
- g) the granting of independent building rights for a term of more than ten years.

3) Requests for a referendum must be filed with the mayor no later than 14 days after the decision is published. The deadline for submitting the required signatures is one month from the date of publication of the decision.

4) Resolutions of the municipal council that are subject to a referendum must be published.

5) A municipal assembly must be held within four months of the submission of the referendum petition. The procedure, with the exception of the quorum requirement, shall be governed by the provisions applicable to the consideration of matters falling within the jurisdiction of the municipal assembly.

Art. 42

Initiative

1) One-sixth of the eligible voters may, in the manner described in Art. 41, request that matters subject to a referendum be considered by the municipal assembly.

2) The initiative is excluded in matters where the referendum period under Art. 41, para. 3 has expired without being utilized or where a referendum has been held. In the case of building regulations and zoning plans, as well as other municipal council resolutions of a general and abstract nature, the initiative is admissible no earlier than two years after the resolution was adopted.

Art. 43

Review of Initiatives and Referendums

The municipal council shall immediately review whether the formal and substantive requirements of an initiative or referendum petition have been met. It shall reject a petition within one month if it is manifestly unlawful or relates to a matter falling within the jurisdiction of another municipal authority (subject to Art. 42) or a state authority.

3. Election

Art. 44

Order

The government orders the election of the municipal council and sets the election date in March prior to the expiration of the term of office.

Art. 45

Term of Office and Assumption of Office

1) The term of office of the Municipal Council is four years.

2) The members of the municipal council take office on May 1 of the election year.

Art. 46

By-election

1) If a member leaves office during the term of office due to death, relocation, loss of eligibility, dismissal due to illness or removal from office, or a justified

resignation subject to approval by the municipal council, or as a result of expulsion from the municipal council, the candidate who received the highest number of votes among those not elected in the last election shall succeed to the seat for the remainder of the term from the same electoral list.

2) Only those candidates who are not excluded from election to the municipal council under the grounds for exclusion set forth in Art. 47 may take a seat on the municipal council.

3) If there are no more candidates on the relevant electoral list, a by-election must be ordered.

Art. 47

Disqualification

1) The following persons are ineligible for election to the municipal council:

a) Persons who are related to an already elected member in a direct line or up to the third degree of collateral kinship;

b) persons who are married to, in a registered partnership with, in a de facto relationship with, or related by marriage up to the second degree to a member already elected;

c) Members of the government;

d) Members of the Administrative Court and the Constitutional Court;

e) Employees of the municipal administration.

2) If candidates who are mutually exclusive are elected to the municipal council in the same election, the candidate with the highest number of votes shall assume office. In the event of a tie, the decision shall be made by lot. The chairperson of the election commission shall draw the lot.

3) A member of the municipal council who is married to the mayor, lives in a registered partnership, lives in a de facto partnership, or is related or related by marriage as defined in paragraph 1(a) and (b) shall resign from the municipal council.

4. Proceedings

Art. 48

Principles

1) The municipal council has a quorum when half of its members are present.

2) A resolution is valid only if it is approved by a majority of the votes cast by the members present. In the event of a tie, the chairperson has the casting vote. Abstentions are not permitted.

3) Minutes of the individual meetings must be kept and, as a rule, made generally accessible. The municipal council decides which resolutions will not be made public.

4) Meetings of the municipal council are generally not open to the public. The municipal council may decide to hold public meetings.

Art. 49

Convening, Chairmanship

1) The municipal council shall be convened by the mayor as needed. A meeting must also be convened if at least one-third of the members of the municipal council request a meeting, specifying the agenda.

2) The mayor presides over the meetings. Upon request, he must provide information to the municipal council regarding the implementation of a municipal council resolution.

Art. 50

Recusal

Members of the municipal council must recuse themselves:

a) in matters in which they themselves are a party, or if they have a relationship with one of the parties as a co-beneficiary, co-obligor, or party subject to recourse;

b) in matters involving their fiancés, spouses, registered partners, de facto partners, or persons who are related to them in a direct line or in a collateral line up to the third degree, or who are related by marriage to them up to the second degree;

c) in matters involving their adoptive or foster parents, their adoptive or foster children, their wards, or persons under their care;

d) in matters in which they were or still are appointed as an agent, administrator, or managing director of a party, or in a similar capacity.

5. Delegation of Powers

Art. 51

Delegation

The municipal council may, with the consent of the mayor, delegate tasks of minor importance that do not necessarily have to be performed by the council itself or by the mayor to individual members of the municipal council,

municipal employees, or commissions. However, oversight remains with the Municipal Council.

C. Municipal President

Art. 52

Duties

- 1) The mayor heads the administration, ensures the implementation of resolutions passed by the municipal council, and oversees municipal facilities and structures.
- 2) He ensures the execution of matters within the delegated sphere of authority in accordance with the law, under the supervision and direction of state authorities.
- 3) The mayor is authorized to incur expenditures for the municipal budget of up to 10,000 francs in individual cases. The municipal code may extend this authority to an amount of up to 30,000 francs.
- 4) He heads the local police and ensures peace, safety, and order. He issues the necessary orders and imposes fines based on statutory or local police regulations.
- 5) In urgent cases, he issues the necessary orders and reports on them to the municipal council at its next meeting.
- 6) The mayor is responsible for enforcing the municipal building code. He is authorized to implement partial decisions within the framework of the coordination procedure pursuant to Art. 78 of the Building Act. The municipal council shall decide on building applications outside the building zone or those that seek one or more exemptions under the building code within the prescribed time limit.

Art. 53

Representation

The mayor represents the municipality externally in all civil and administrative matters. He signs documents falling within his area of responsibility and those pertaining to matters of the municipal council for which a municipal council resolution has been adopted, acting alone; all others are signed jointly with a member of the municipal council.

Art. 54

Suspension of Enforcement

The mayor may suspend the enforcement of a municipal council resolution if he believes that the resolution violates a law. He must

report this without delay to the government, which, without prejudice to a party's right to appeal, shall decide on the implementation.

Art. 55

Substitution

If the mayor is unable to perform his duties, he shall be represented by his deputy; if the deputy is also unable to perform his duties, he shall be represented by the oldest member of the municipal council.

D. Audit Committee

Art. 56

Election

1) The municipal assembly shall elect an audit committee within six months of the municipal council election. This committee shall consist of three members. In the event of a member's permanent absence, a by-election shall be held. The municipal code may specify details regarding this by-election.

2) The Audit Committee is elected for a term of four years.

Art. 57

Duties

1) The Audit Committee is responsible for the ongoing oversight of the municipality's administration and accounting. It reviews the financial statements and, at least twice a year, the financial management. It also reports to the municipal council on the results of its review and submits a motion for the approval of the municipal accounts and the discharge of the municipal bodies.

2) The Audit Committee has the right to inspect files and visit all municipal facilities. The municipal authorities and their employees are obligated to provide information to the Audit Committee.

3) The Audit Committee may engage the services of a licensed auditing firm to review the municipality's accounts.

4) The auditing firm commissioned by the Audit Committee and its staff assigned to the audit may not have any close personal relationship with a member of the municipal council or a senior municipal official.

Art. 58

Proceedings

The Audit Committee shall elect a chairperson from among its members. It shall constitute a quorum if at least two members are present. For a resolution to be valid, at least two members must approve it.

Art. 59

Disqualification

1) A person may not be elected as a member of the Audit Committee if they:

- a) is a member of the municipal council or was a member of the municipal council during the previous term of office;
- b) is married to, in a registered partnership with, or cohabiting with the mayor, deputy mayor, municipal treasurer, or administrator of a municipal asset, or is related by blood or marriage up to the degree specified in Art. 47;
- c) is an employee of the municipal administration.

2) If, in the case of paragraph 1(b), such a ground for exclusion arises only subsequently, the member of the Audit Committee concerned must resign.

E. Other committees

Art. 60

Committees

In addition to the committees prescribed by law, the Municipal Council may appoint further committees to perform tasks. These committees have an advisory character. Article 51 applies to the delegation of tasks of lesser importance.

F. Municipal Employees

1. General

Art. 61

Employment relationships; prohibition of discrimination; rights of participation

- 1) The municipal council determines the scope of duties of municipal employees and regulates their employment relationships.
- 2) Municipal employees shall not be disadvantaged in response to a complaint regarding a violation of rights related to their employment relationship or to the initiation of proceedings to enforce such rights. This also applies if municipal employees appear as witnesses or

informants in such proceedings or support such a complaint. In the event of a violation of the prohibition against discrimination, the affected municipal employee shall be compensated. The compensation shall be determined based on the circumstances of the individual case and shall not exceed two months' salary.

3) Municipal employees must be guaranteed the right to participate in general matters concerning the structure of their employment relationships. They may exercise this right through an association or individually.

4) To the extent that municipal employees exercise their right to participate through a union, the union may, with the consent of the affected person, represent them in proceedings initiated by the union or participate as a third party in the legal dispute pursuant to Sections 17 et seq. of the Code of Civil Procedure.

Art. 62

Regulations on Service and Remuneration

The municipalities shall adopt service and remuneration regulations.

Art. 63

Disciplinary Authority

1) The municipal council has disciplinary authority over municipal employees.

2) In the event of an intentional or negligent breach of duty, the municipal council may impose disciplinary measures.

3) The parties concerned must be heard beforehand. Art. 64

Disciplinary Measures

1) The Service and Remuneration Regulations may provide for the following disciplinary measures:

- a) a verbal reprimand;
- b) a written warning;
- c) suspension of salary increases;
- d) reduction of salary;
- e) transfer or demotion to a position with the same or lower pay;
- f) reinstatement to provisional status;
- g) suspension with reduction or suspension of pay;
- h) dismissal.

2) The measures under paragraph 1(b) through (h) shall be ordered by written decision; a verbal reprimand may be issued informally.

2. Municipal police officers

Art. 64a

Status, Uniform, and Identification

1) To assist the municipal mayor in the performance of local police duties, the municipality may appoint one or more municipal employees as municipal police officers.

2) Municipal police officers generally perform their duties in uniform. They bear the inscription "Municipal Police." The uniform serves as identification.

3) The municipality issues an official ID card to the municipal police officers. The official ID card must be carried at all times. Municipal police officers in uniform shall identify themselves when requested to do so during the performance of official duties and when circumstances permit.

Art. 64b

Personal Requirements and Training

1) Municipal police officers must meet the following personal requirements:

a) Liechtenstein citizenship or a permanent residence or settlement permit for Liechtenstein;

b) Legal age;

c) Physical and mental fitness, as well as a clean criminal record.

2) They are required to complete the prescribed training and continuing education. The municipality must ensure that municipal police officers receive appropriate and regular training and continuing education.

3) The government shall regulate the details regarding the training and continuing education of municipal police officers by ordinance.

Art. 64c

Duties

1) Municipal police officers are responsible for:

a) enforcing the municipality's local police regulations upon the order of the municipal mayor;

b) assisting in the maintenance of public safety and order by taking or preparing measures to avert immediately imminent

or existing disturbances (hazard prevention) and to prevent future hazards (hazard prevention); they must comply with any instructions from the state police;

c) the enforcement of administrative coercion in municipal administrative matters upon the order of the mayor;

d) other tasks assigned to them by the municipal council or the mayor.

2) They also carry out administrative police tasks on behalf of the mayor that are assigned to the municipality by law.

Art. 64d

Police Principles and Police Powers

1) The principles of police action under Articles 21 through 23a of the Police Act apply *mutatis mutandis* to municipal police officers.

2) Subject to special provisions, municipal police officers shall have the following powers to perform their duties:

a) Verification of a person's identity in accordance with Article 24 of the Police Act;

b) Questioning of persons in accordance with Article 24b(1) of the Police Act;

c) Removal and exclusion of persons pursuant to Article 24f of the Police Act;

d) Searching of persons in accordance with Art. 25(1)(a), (c), (e), and (g) and (2) of the Police Act;

e) Entering private property in accordance with Article 25b(1) of the Police Act;

f) Seizure of property and assets in accordance with Art. 25c of the Police Act.

3) Municipal police officers may provisionally detain a person suspected of having committed a criminal offense or who is wanted for such an offense until the person is handed over to the state police. The state police must be notified immediately.

4) Municipal police officers are authorized to use force against persons or property to enforce their powers under paragraphs 2 and 3 if this is necessary to perform their duties and less severe measures are not appropriate. They may also use appropriate equipment for this purpose, in particular handcuffs and pepper spray.

5) Based on a risk assessment, the municipal council may decide that municipal police officers, provided they have received appropriate training and continuing education, may carry a handgun for the purpose of self-defense and aiding self-defense (§ 3 StGB).

Art. 64e

Calling Upon Municipal Police Officers from Other Municipalities and Third Parties

1) Municipalities may agree that municipal police officers from another municipality may be called upon to provide assistance. In such cases, the called-upon municipal police officers are treated as equivalent to a locally competent municipal police officer. Their actions are deemed to be those of the municipality requesting assistance.

2) Municipalities may engage private security firms to assist them and entrust them with non-sovereign tasks. Employees of private security firms do not have police powers under Art. 64d; however, they may issue warnings, mediate, and arbitrate.

G. Archive

Art. 65

Establishment of an Archive

1) Each municipality shall establish an archive that is protected against damage and break-ins.

2) All important municipal data that is no longer used for day-to-day administration must be archived.

V. Elections and Referendums

A. General Provisions

Art. 66

Right to Vote

1) The right to vote and stand for election confers the right and imposes the obligation to participate in elections and referendums as well as in municipal assemblies.

2) Unless otherwise provided in this Act, the same provisions apply to the exercise of the right to vote and to stand for election as in state matters.

3) The right to vote and stand for election may be exercised only in the municipality in which one is domiciled.

Art. 67

Elections and Referendums

1) Unless otherwise provided in this Act, the same provisions shall apply to the conduct of elections and referendums as in matters of state.

2) The Government is authorized to regulate the conduct of elections and referendums by ordinance.

B. Elections

1. Election of the Mayor

Procedure Prior to the Election

Art. 68

a) Deadline

Only those who have been nominated in a written nomination submitted to the Election Commission no later than six weeks before Election Day may be elected as mayor.

Art. 69

b) Nomination

1) To be valid, a nomination must bear the name of the electoral group and be signed by at least twice as many persons eligible to vote in the municipality as there are municipal council seats to be filled in that municipality. These persons may neither sign a second nomination nor be listed as candidates on the same nomination.

2) Once a nomination has been submitted, a signature cannot be withdrawn.

3) A candidate's name may appear on only one nomination.

4) The Election Commission must announce the valid nominations received by the deadline no later than two weeks before Election Day.

Art. 70

c) Declaration of Acceptance and Notification of Withdrawals

1) The candidate's declaration of acceptance must be attached to the nomination in which he or she has been named.

2) If the name of the same candidate appears on more than one nomination, the Election Commission must, after the deadline for submissions has expired, provide the candidate nominated multiple times with copies of the relevant nominations. The candidate must immediately declare to which nomination he wishes to be assigned. If no declaration is received within the time limit set for him, he shall be assigned to a nomination by lot and

removed from the remaining nominations. The chairperson of the election commission draws the lot.

3) The Election Commission shall notify the voter groups of the removal from their nomination lists and inform them that a substitute nomination may be submitted within two days of receiving this notification. The substitute nomination must be accompanied by a written statement from the nominee confirming that he accepts the candidacy.

4) If this statement is missing or if the nominee is already included on a nomination list, the substitute nomination must be rejected.

Art. 71

Election Procedure

1) The mayor is elected by an absolute majority of valid votes. He takes office on May 1 of the election year.

2) If no valid election takes place, a new election must be held within four weeks among the same candidates, whereby a candidate may withdraw his candidacy or a voter group, with the consent of the nominee, may withdraw its nomination in writing to the Election Commission no later than three weeks before the new election day. If a candidate withdraws during this period due to death, the voter group that nominated him or her may propose a new candidate.

3) In the second round of voting, a relative majority of valid votes is sufficient. In the event of a tie, the decision is made by lot; the chairperson of the election commission draws the lot.

2. Election of the Municipal Council

a) Pre-election Procedures

Art. 72

Deadline for Submitting Nominations

Candidates for the municipal council must be nominated in a written nomination to the election commission no later than six weeks before the election.

Art. 73

Validity of Nomination Petitions

1) To be valid, a nomination must bear the name of the voter group and be signed by at least twice as many persons eligible to vote in the municipality as there are municipal council seats to be

. These individuals may neither sign a second nomination nor be listed as candidates on the same nomination.

2) A signature cannot be withdrawn after a nomination has been submitted.

3) A candidate's name may appear on only one nomination.

Verification of Nomination Forms

Art. 74

a) Mutually exclusive candidates

Candidates who are relatives, married, in a registered partnership, living in a de facto partnership, or related by marriage within the meaning of Art. 47 may not appear on the same nomination. Otherwise, the Election Commission must notify the relevant voter group of this after the submission deadline has expired. The voter group must declare within the time limit set for it which candidate it wishes to nominate. If no such declaration is received, only one of the mutually exclusive candidates may remain on the nomination. The others must be struck from the nomination in the order of the list, from bottom to top.

Art. 75

b) Notification of Deletions

1) The Election Commission shall notify the voter group of the deletions made to its list of candidates and inform it that substitute nominations may be submitted within two days of receiving this notification. The substitute nominations must be accompanied by a written statement from the nominees confirming their acceptance of the candidacy.

2) If this declaration is missing or if the nominee is already listed on an election proposal, the replacement proposal must be rejected.

Art. 76

Declaration of Acceptance

1) The candidates' declarations of acceptance must be attached to the nomination in which they were named.

2) If a candidate's name appears on more than one nomination, the Election Commission must, after the submission deadline has expired, provide the candidate who has been nominated multiple times with copies of the relevant nominations. The candidate must immediately declare to which nomination they wish to be assigned. If the candidate does not submit a declaration within the time limit set for them

, he shall be assigned to a nomination by lot and removed from the remaining nominations. The chairperson of the Election Commission shall draw the lot.

3) Any person nominated by a voter group as a candidate for mayor may also be nominated by that same group as a candidate for the municipal council. The votes they receive as a mayoral candidate are not taken into account when determining the election results.

Art. 77

Election Lists

1) The resulting nominations are called electoral lists. No further changes may be made to them.

2) The Election Commission must publish all election lists, including the names of the voter groups but excluding the names of the signatories, no later than two weeks before Election Day.

b) Determination of the Election

Results Art. 78

Number of Votes and Quorum

1) The total number of valid votes cast in the municipality for the election of the municipal council—including votes for candidates and additional votes—is divided by the number of municipal council members to be elected, plus one. The result of this division must in any case be rounded up to the next whole number.

2) If the mayor participates in the allocation of seats to the voter group, the number of municipal council members to be elected is increased by two. The total number of valid votes cast within the meaning of paragraph 1 is divided by the number of municipal council members to be elected, increased by two. The result of the division must in any case be rounded up to the next whole number.

3) The number determined in accordance with paragraph 1 or paragraph 2 is called the electoral quota.

4) Repealed

5) The election results may not be determined until the election of the municipal president has been finalized. The ballot boxes must remain sealed until then. Art. 79

Allocation of Seats to Voter Groups

1) Each electoral list is allocated a candidate for as many seats as the number of votes required for election is contained in the total number of candidate and supplementary votes cast for that electoral list,

whereby the elected chairperson is counted toward the electoral list bearing the name of his or her voter group (basic seat allocation).

2) If the distribution does not result in as many members of the municipal council as are to be elected, a distribution of remaining seats among the voter groups shall take place according to the following rules:

a) The number of candidate and additional votes for each electoral list is divided by the number of seats already allocated to it, plus one.

b) The first residual seat is allocated to the electoral list with the highest quotient.

c) If several electoral lists are equally entitled to the first remaining seat on the basis of the same quotient, the remaining seat shall be awarded to the electoral list among them that achieved the largest remainder in the allocation pursuant to paragraph 1.

d) If several electoral lists still have the same claim, the remaining seat goes to the electoral list among them that has the highest number of candidate and additional votes.

e) If several electoral lists still have the same entitlement, the first remaining seat shall be awarded to the electoral list on which the candidate eligible for election has received the highest number of votes.

f) If several such candidates have the same number of votes, the decision is made by lot; the chairperson of the election commission draws the lot.

3) The procedure under paragraph 2 is repeated until all remaining seats have been allocated.

4) Repealed

5) Repealed

Art. 80

Elected Candidates

1) From each electoral list, as many candidates as the number of seats allocated to it pursuant to Art. 79 shall be declared elected, namely those candidates who received the most votes.

2) In the event of a tie, the candidate listed earlier on the electoral list shall be declared elected. Art. 47, para. 2, remains reserved.

3) If one or more electoral lists are to be allocated more candidates than they contain names, all of their candidates shall initially be declared elected. The remaining seats shall be distributed among the other electoral lists in accordance with the procedure prescribed in Art. 78 and 79.

Art. 81

Transmission of the Results

The members of the election commission must immediately notify the government of the election results by submitting all election records.

3. Election of the Vice-Chair

Art. 82

Time Limit

Within four days of taking office, the municipal council shall elect the deputy mayor (vice-mayor) from among its members by an absolute majority of the valid votes cast.

Art. 83

Swearing-in

- 1) The mayor and the deputy mayor shall be sworn in by the government following a valid election.
- 2) The members of the municipal council are sworn in by the mayor.

4. Election of the Audit Committee

Art. 84

Election

The same provisions apply mutatis mutandis to the election of the Audit Committee as to the election of the municipal council. The grounds for exclusion under Art. 59 remain reserved.

C. Voting

1. Assembly

Art. 85

Open vote

Voting shall take place openly by a show of hands or by rising from one's seat.

Art. 86

Secret ballot

- 1) A vote shall be conducted by secret ballot if at least one-eighth of the voting members present or fifteen voting members present request a secret ballot.

2) The conduct of a secret ballot does not preclude discussion and amendment of the proposal at the meeting.

Art. 87

Non-consideration, Rejection, and Postponement

1) The assembly shall first vote on any motions to decline to consider, refer back, or postpone.

2) If a motion for referral back or postponement is adopted, the matter is returned to the municipal council. In the case of referral back, the municipal council must re-examine the matter; in the case of postponement, it must do so only to the extent that new considerations need to be examined.

3) The final vote on a motion shall be postponed if amendments are adopted that require substantial new clarifications.

Art. 88

Amendment Motions

1) If there are multiple amendment motions on the same subject, the chairperson shall conduct the vote according to one of the following procedures:

a) first, a vote on the main motion, followed by a vote on proposed amendments that serve to refine the main motion, in the order in which they were received;

b) comparison of the amendment motions in the order in which they were received, until only one revised main motion remains.

2) The revised main motion shall be put to a final vote.

3) If a voting question is divisible, any person entitled to vote may request a division.

2. Ballot vote

Art. 89

Form

Ballot box votes shall be conducted in accordance with Art. 37.

VI. Financial Budget

Art. 90 through Art.

115 Repealed

VII. State supervision

Art. 116

Principle

1) The municipalities are subject to state supervision.

2) Within the municipalities' own sphere of activity, state supervision is limited to reviewing the legality of the decisions and actions of municipal bodies.

3) Outside their own sphere of activity, the appropriateness of the decisions and activities of municipal bodies is also subject to state supervision.

Art. 117

Supervisory Authority

The supervisory authority is the government. Art. 118

Measures

In exercising its supervisory duties, the government takes the measures it deems appropriate in accordance with Art. 136 of the State Administration Act (LVG).

VIII. Administration of Justice

Art. 119

Supervisory Complaint

Facts that, in the public interest, require ex officio intervention against a municipal body may be reported to the government at any time.

Art. 120

Administrative Complaint

1) Appeals against decisions and orders of the mayor or other municipal bodies may be lodged with the municipal council in matters falling within its own sphere of authority.

2) An appeal may be lodged with the government against decisions of the municipal council in matters within its own jurisdiction.

3) Appeals against decisions and orders issued by municipal bodies within their delegated authority may be filed with the competent higher authority or, if no such authority is expressly designated in the relevant statutory provisions, with the government.

4) There is no right of appeal against resolutions of the municipal assembly, without prejudice to the right to file a supervisory complaint.

5) An administrative appeal against decisions of the government may be filed with the Administrative Court within 14 days of service.

Art. 121

Appeal Period and Standing; Additional Provisions

The provisions of the Provincial Administrative Procedure Act (LVG) apply, in particular regarding the appeal period and standing, the appeal petition, and the grounds for appeal.

VIIIa. Data Protection

Art. 121a

Processing of Personal Data

- 1) The competent municipal authorities, in particular the resident registration offices, may process personal data, including special categories of personal data, or have such data processed, to the extent necessary to fulfill their duties under this Act.
- 2) Municipalities may maintain information systems to fulfill their statutory duties.
- 3) The government shall regulate the details by ordinance.

Art. 121b

Processing and Transmission of Personal Data by the Municipal Police

- 1) The municipal police may process personal data, including special categories of personal data as well as personal data concerning criminal convictions and offenses, or have such data processed, to the extent necessary to fulfill their statutory duties.
- 2) The municipal police may disclose the data referred to in paragraph 1 to public authorities or courts to the extent necessary to fulfill their statutory duties. In all other respects, data protection laws must be observed.
- 3) The municipal police and the state police may exchange the data referred to in paragraph 1 with one another to the extent necessary to fulfill their respective statutory duties.

IX. Transitional and Final Provisions

Art. 122

Reinstatement of Citizenship for Women

- 1) Women who have lost their former municipal citizenship through marriage shall, upon application, be readmitted to their former municipal citizenship.
- 2) The application must be submitted within five years of the entry into force of this law to the municipality whose municipal citizenship the applicant held prior to marriage.

3) The municipal council shall decide on the application for readmission. Art. 123

Adaptation to New Law

The municipal code and the other regulations prescribed by this Act must be enacted within two years of this Act's entry into force. Existing regulations must be brought into line with the new law. The government may extend this deadline upon receipt of a justified request.

Art. 124

Implementing Regulations

The government shall issue the ordinances necessary for the implementation of this Act, in particular regarding:

- a) the conduct of elections and referendums in municipal assemblies (Art. 67);
- b) repealed;
- c) repealed.

Art. 125

Repeal of Previous Law

The following are repealed:

- a) the Municipal Act of December 2, 1959, LGBL 1960 No. 2, as amended by the Act of December 10, 1965, LGBL 1967 No. 10, the Act of October 11, 1974, LGBL 1974 No. 66, the Act of May 13, 1976, LGBL 1976 No. 42, the Act of the Act of December 11, 1978, LGBL 1979 No. 2, the Act of April 11, 1984, LGBL 1984 No. 24, the Act of November 15, 1984, LGBL 1985 No. 6, the Act of November 15, 1984, LGBL 1985 No. 20, the Act of October 14, 1986, LGBL 1986 No. 105, and the Act of December 16, 1994, LGBL 1995 No. 15;
- b) Act of February 14, 1952, concerning the reassessment of the minimum salaries of municipal mayors, LGBL 1952 No. 3;
- c) Act of December 18, 1941, on the Reorganization of Municipal Treasury Operations, LGBL 1941 No. 26, as amended by the Act of December 2, 1959, LGBL 1960 No. 2;
- d) Regulation of June 26, 1973, on the authority of the municipal assembly regarding the construction of buildings, LGBL 1973 No. 34.

Art. 126

Election of the Audit Committee

1) The Audit Committee shall be elected for the first time upon the expiration of the term of office of the auditors elected pursuant to Art. 59 of the Municipal Act, LGBl. 1974 No. 66.

2) The term of office of the auditors already elected at the time the law enters into force shall end no later than after the next municipal council elections in the fall of 1999.

Art. 127

Entry into Force

1) This Act shall enter into force on the date of its promulgation.

2) The provisions concerning the budget and the municipal accounts shall apply for the first time to the budget for the year 1997 and the municipal accounts for the year 1996.

X. House Law of the Princely House of Liechtenstein

of October 26, 1993

Preamble

For centuries, the Liechtenstein family has governed itself by its own code of law. Some of the old provisions no longer met the demands of the modern age. The family therefore decided on October 26, 1993, to set aside the previous code and to adopt a new one in keeping with the family's tradition. For centuries, the Catholic faith has been part of the family's tradition, and it is to serve as a guiding principle in future decisions as well, while respecting the freedom of faith and conscience of the individual. We ask God and the Mother of God to protect our family and our country, as they have in the past and as they will in the future.

FLHG

I. The Princely House of Liechtenstein Art. 1

Nature and Membership

- 1) The Princely House of Liechtenstein is an autonomous family community established and organized on the basis of existing house laws and at the constitutional level of the Principality. It comprises members by birth and members by marriage.
- 2) Members by birth are the Prince and all those who are descended in the male line from Prince Johann I of Liechtenstein (1760–1836) and were born of a recognized marriage. Membership acquired by a princess by birth is not forfeited if she enters into marriage. However, children born of such a marriage do not acquire membership by birth.
- 3) The Princess and the wives of the Princes become members by marriage, provided that the marriage has been recognized in accordance with this House Law. Membership acquired by marriage continues even during widowhood. It ceases in the event of the widow's remarriage, unless the Prince determines otherwise upon her request. The same applies in the event of the dissolution of the marriage by annulment, effective from the date the relevant decision becomes final.
- 4) Membership in the Princely House of Liechtenstein is, moreover, voluntary. It is presumed to apply to a member by birth, provided that, after reaching the age of majority (Art. 6), the member has not renounced membership by means of an explicit and written

to the Prince and the Family Council. This declaration of renunciation is irrevocable and applies only to the person making the renunciation.

Art. 2

Titles of the Members of the Princely House

1) The Prince bears the title:

Prince of and to Liechtenstein, Duke of Troppau and Jägerndorf, Count of Rietberg, Ruler of the House of and to Liechtenstein.

2) The Princess bears the title:

Princess of and in Liechtenstein, Duchess of Troppau and Jägerndorf, Countess of Rietberg. She retains this title even during widowhood.

3) The eldest son of the Prince; however, should he die before the Prince and leave behind sons eligible to succeed to the throne, his eldest son bears the title:

Hereditary Prince of and to Liechtenstein, Count of Rietberg.

4) The other members of the House bear the title:

Prince of and to Liechtenstein, Count of Rietberg; Princess of and to Liechtenstein, Countess of Rietberg.

5) The members of the House are addressed as "His/Her Highness" and bear the family coat of arms as depicted and described in the Coat of Arms Act of June 30, 1982, LGBl. 1982 No. 58.

Art. 3

Citizenship

1) All members of the House are Liechtenstein citizens in accordance with the Act of September 1, 1919, LGBl. 1919 No. 10.

2) The Prince and the next in line to the throne may not acquire foreign citizenship. The heir to the throne must also renounce any foreign citizenship held previously.

3) In all other cases, renunciation of Liechtenstein citizenship, with or without the acquisition of foreign citizenship, shall be undertaken only for serious reasons. Before implementing such a decision, each family member must apply to the Prince for consent, stating the reasons. If the relevant circumstances subsequently change significantly, the family member may apply to the Prince for reinstatement of Liechtenstein citizenship.

4) Violations of these provisions are subject to disciplinary action in accordance with these house rules.

Art. 4

Maintenance of Registers

1) The Secretariat of the Prince is responsible for maintaining the register of members of the Princely House under the Prince's authority. The Family Council is entitled and obligated to oversee the proper maintenance of the register.

2) In particular, the principles of Liechtenstein law governing civil status shall apply *mutatis mutandis* to the maintenance of the register, insofar as they appear conducive to the enforcement of the provisions of this House Law. The maintenance of the register shall additionally make it possible to ascertain at any time the order of succession of the members of the Princely Family entitled to the throne (Art. 12, para. 1).

3) For the purpose of proper maintenance of the register, all members of the Princely House are obligated to notify the Prince's Secretariat without delay, enclosing the relevant documents, of all events that may lead to entries in the civil status registers maintained by the Prince's Secretariat.

4) To the extent that the maintenance of the registers necessitates the issuance of documents, these shall be drafted by the Prince's Secretariat and signed by the Prince.

5) The registers are open to the public. Information may be provided to third parties only with the Prince's approval, following certification of a legal interest.

Art. 5

Adoption and Children Born Out of Wedlock

1) Adoption cannot lead to membership in the Princely House. Only in the event that the Princely House should become extinct in the male line is the last Prince entitled to adopt a Crown Prince.

2) Should a member of the Princely House nevertheless wish to adopt an outsider, they must inform the Prince of this. The Prince may, without any legal entitlement to do so, grant the adopted person a different name, coat of arms, and title. Adoptions within the family do not alter the order of succession to the throne.

3) If a member of the Princely House is adopted by an outsider, the legal guardian must, in the case of a minor, apply for the Prince's consent, stating the reasons. The Prince decides whether the family member remains in the Princely House.

4) For children born out of wedlock to a princess, the Prince shall determine the name and, if applicable, also the title and coat of arms. If an illegitimate child of a prince is legitimized through a subsequent marriage, the Prince shall determine the status of this legitimized child within the Princely House.

Art. 6

Age of Majority

1) Unless otherwise specified, Liechtenstein law applies to the age of majority of members of the Princely House. In matters concerning the House, male members are considered of legal age upon reaching the age of eighteen.

2) For important reasons, particularly in the event of succession to the throne, regency, or deputyship, the Prince may declare individual members of the Princely House to be of legal age even before they reach the statutory age of majority. If the Prince himself is a minor or legally incapacitated, this right passes to the Family Council.

Art. 7

Marriage

1) If a member of the Princely House intends to marry, they must notify the Prince and submit the documents required under Liechtenstein law, together with a written, unconditional declaration from the prospective spouse, to the Prince's Secretariat, stating that the prospective spouse acknowledges this House Law as binding in all respects for themselves and for any descendants resulting from the intended marriage. The Secretariat reviews the documents. If they are complete and the Prince deems the conditions for approving the planned marriage to be met, he grants his consent. The Prince notifies all adult members of the Princely House of this decision at their last known address.

2) Within one month of the announcement of the Prince's declaration of consent, any adult member of the Princely House may file a written objection to the marriage. Such an objection is admissible only to the extent that it is based on the lack of legal capacity to marry on the part of one of the bride or groom, on the existence of a legal impediment to marriage, or on the fact that the marriage would be detrimental to the reputation, honor, or welfare of the Princely House or the Principality

harms Liechtenstein. The Prince shall decide on the objection after hearing the bride and groom. His decision may be appealed through the legal remedies provided for in Article 11, provided that the appeal periods are limited to two weeks.

3) Notwithstanding the procedure provided for in paragraph 2, the Prince shall immediately inform the Family Council of any objections raised.

4) If no objection is raised against the Prince's declaration of consent (para. 1) or if the objections raised (para. 2) are unsuccessful, the intended marriage shall be recognized under domestic law. The Secretariat shall issue a corresponding notice to the Liechtenstein public. Recognition under domestic law ceases to be effective if the marriage is not solemnized within one year, calculated from the date on which the conditions required for recognition were met.

5) The marriage ceremony must take place publicly in the presence of the Prince, who may also send a representative, as well as two adult witnesses. In doing so, the bride and groom must, as part of their marriage consent, expressly promise to live in an inseparable union, to have children, to raise them, and to provide mutual support. In all other respects, the laws of the place of marriage must be observed, provided they do not conflict with Liechtenstein public policy.

6) The procedure set forth in paragraphs 1 through 5 above shall apply *mutatis mutandis* in the event that the Prince intends to marry, provided that the rights and duties assigned to the Prince therein shall be exercised by the Family Council.

Art. 8

Disciplinary Measures Against Members of the Princely House

1) If a member of the Princely House, through his or her conduct, damages the reputation, honor, or welfare of the House or the Principality of Liechtenstein, the Prince is entitled and obligated to take disciplinary action.

2) In the disciplinary proceedings initiated by the Prince, the family member concerned shall first be given the opportunity to comment in writing on the allegations made against him or her. Thereafter, the facts of the matter shall be clarified to the extent necessary, for which purpose the Prince may also avail himself of the administrative assistance of the Government and the judicial assistance of the courts. Finally, the Prince must also hear the family member concerned in person.

3) Accordingly, the Prince may impose the following disciplinary measures on the family member in question, based on a written

decision, which must be substantiated in writing:

- a) a warning;
 - b) temporary suspension of the right to vote and the right to stand for or vote in elections;
 - c) temporary revocation of the title. In this case, the Prince may, without any legal entitlement to do so, confer a title upon the person concerned after hearing their case. The revocation of the title includes the suspension of the right to vote as well as the right to stand for and to vote in elections;
 - d) temporary revocation of the name and title. In this case, the Prince shall assign a new name to the person concerned after hearing their case. In all other respects, subparagraph (c) shall apply.
- 4) The disciplinary measures specified in paragraph 3(b), (c), and (d) may be imposed for a maximum period of twenty years.
- 5) The family member concerned may appeal the Prince's disciplinary decision; if the Prince's disciplinary decision is amended by the Family Council, the Prince may also appeal. Notwithstanding the suspensive effect of his appeal, the family member concerned is excluded from participating in the decision of the appellate bodies.
- 6) Once the decision becomes final, the disciplinary ruling shall be communicated to all family members.
- 7) Even after the disciplinary ruling becomes final, the person concerned remains a member of the Princely House subject to the restrictions arising from the ruling. The duration of these restrictions shall always be calculated from the date the decision becomes final. It ends upon the expiration of the final day of the term of the disciplinary measure that has become final, without requiring a further pronouncement by the Prince. The family member affected by the disciplinary measure shall therefore automatically regain their former rights.
- 8) If a family member subject to a disciplinary measure under paragraph 3(d) marries during the term of that measure, paragraph 7 shall also apply to the spouse and the children born of that marriage, provided that the marriage has been recognized under the House Law in accordance with Article 7.
- 9) Premature termination of a disciplinary measure is possible only by way of clemency. The right to grant clemency rests with the Prince. Before making his decision, he must obtain the consent of the highest court that previously heard the disciplinary case

instance. There is no legal entitlement to a pardon.

10) The extension of a disciplinary measure requires further disciplinary proceedings.

Art. 9

The voting members of the Princely House

1) In matters of the House Law, all male family members who have reached the age of majority under the House Law (Art. 6), possess full legal capacity, and are eligible for succession to the throne are entitled to vote. Renunciation of the throne and renunciation of the right of succession (Art. 13), as well as renunciation of the exercise of governmental duties (Art. 15 and 17), do not affect the right to vote.

2) Members of the Princely House who are eligible to vote are also eligible to stand for and vote in elections.

3) The following are excluded from the right to vote:

a) Family members who, by taking a vow or assuming certain obligations, have voluntarily relinquished the exercise of certain rights or restricted their freedom of action;

b) Family members who are under the influence of a regime capable of nullifying or impairing an individual's freedom of decision; and

c) Family members who have lost their voting rights pursuant to Art. 8, para. 3, letters b, c, and d.

4) In cases of doubt, the Prince shall decide on the voting rights of individual family members. The Prince must notify the affected family member of this decision in writing without delay, stating the reasons. The person concerned may appeal the Prince's decision; in the event that the decision is amended by the Family Council, the Prince may also appeal. The remedies listed in Article 11 are available, but, exceptionally, they shall have no suspensive effect. If the voting right is reinstated for the affected family member through the appeal process, the resolutions adopted in the meantime without the participation of this family member may not be challenged on the grounds that the family member in question would have had the right to vote.

5) The body of voting members of the Princely House constitutes the highest decision-making and appellate authority within the family. The Prince presides over this body. He is also responsible for conducting the votes. These are secret and take place in the

Voting shall be conducted in writing via ballots (circular voting), based on a statement of facts provided to the voters along with a list of questions. If a ballot is not returned within two months, this shall be deemed an abstention by the voter in question. A motion shall be deemed adopted only if more than half of the voters express their approval. If a vote concerns the reversal of a decision by the Prince through an appeal, a measure against the Prince, or an amendment to this House Law, the approval of two-thirds of the eligible voters is required for the motion to be adopted. A motion is deemed to have failed if it does not receive the required number of votes in the ballot.

6) In votes that directly concern the person or the personal legal sphere of a family member, that family member is excluded from exercising the right to vote. This also applies to the Prince, notwithstanding his capacity as chairperson.

7) With the votes of at least ten percent of the voting members of the Princely House, the Prince may be required to initiate disciplinary proceedings against a family member in accordance with the provisions of Article 8. Such a request must be submitted to the Prince in writing, with the required number of signatures and a corresponding justification. If, without sufficient justification, the Prince either fails to initiate any proceedings under Article 8 within six months or fails to conclude proceedings initiated within one year in the first instance, the petitioners may appeal to the Family Council, to which the Prince's decision-making authority is transferred. The same provision applies *mutatis mutandis* to measures against the Prince pursuant to Articles 14 and 15, with the proviso that, in the event of a delay, the Family Council is replaced by the entirety of the voting members of the Princely House.

8) The Prince shall, whenever possible, convene a Family Day at least every five years, to which all voting members of the Princely House are invited. These Family Days are intended to serve the purpose of renewing and reaffirming common bonds, discussing matters of mutual interest, and conducting elections and votes, insofar as the circular voting procedure regulated in paragraph 5 appears impractical. The provisions regarding the circular vote shall apply *mutatis mutandis* to votes held at the Family Day, provided that the voting materials, where necessary, are to be sent out two months prior to the Family Day.

II. The Family

Council,

Art. 10

Election of the Family Council

- 1) The Family Council is elected for a term of five years and consists of three members and three alternate members.
- 2) The election must be conducted in writing and by secret ballot, failing which it shall be invalid; all members of the Princely House who are eligible to vote and stand for election shall be listed, and six persons shall be selected from among them. The three family members with the highest number of votes shall be elected. The three with the next highest number of votes become alternate members. In the event of a tie, the decision is made by lot. The Prince may not be a member of the Family Council. In all other respects, the provisions regarding circular voting pursuant to Art. 9, para. 5 apply mutatis mutandis.
- 3) If the election is held on the occasion of the Family Day (Art. 9, para. 8), the election lists must be sent out two months before the Family Day.
- 4) If a Family Council member resigns prematurely or is unable to attend a meeting, the next alternate member in line shall take their place, permanently in the first case and temporarily in the second.
- 5) If a member or alternate member of the Family Council loses their right to vote and stand for election by final and binding decision (Art. 8 or 9), they shall also forfeit their membership or alternate membership in the Family Council for the remainder of its current term.
- 6) If the Family Council becomes permanently unable to reach a quorum due to absences or for other reasons, the necessary by-election must be held for the remainder of its current term. Paragraphs 2 and 3 apply mutatis mutandis to such by-elections.

Art. 11

Duties of the Family Council

- 1) The member of the Family Council with the highest rank according to the order of succession to the throne (Art. 12, para. 1) shall serve as its chairperson and preside over meetings and votes. In the event of his or her incapacity or resignation, his or her rights and duties shall pass to the next-ranking member of the Family Council. A substitute member may only become the Chair's representative after all three members of the Family Council are unable to attend or have resigned.
- 2) Each member of the Family Council has the right to request that the Chairperson convene the Family Council, stating the reason.

3) In addition to the other duties listed in this House Law, the Family Council serves in particular as the appellate body against decisions made by the Prince within the framework of this House Law. Any affected member of the Princely House may file a written appeal against the Prince's decision with the Family Council within two months of receiving the written decision. Before the Family Council decides on the appeal, it is obligated to obtain a statement from the Prince, for which a period of two months is also available. Appeals against decisions of the Prince that are not related to the House Law must be dismissed by the Family Council as inadmissible.

4) Unless otherwise provided for in these House Rules, admissible appeals have suspensive effect.

5) The Prince or any affected family member may file a motion for review with the body of all family members entitled to vote (Art. 9) within two months of a decision by the Family Council. The provisions of paragraphs 3 and 4 shall apply *mutatis mutandis* to the review proceedings, provided that the opposing party in the review is entitled to submit a statement.

6) If the total number of voting members of the Princely House falls below twelve, the Family Council shall be suspended. In such a case, all powers of the Family Council shall pass to the totality of the voting members of the Princely House.

III. The

Prince

Art. 12

Succession to the Throne

1) In accordance with this House Law, the principle of primogeniture applies to succession to the throne. Accordingly, the firstborn of the eldest line is always entitled to succeed to the throne.

The age of a line is determined based on its descent

from Prince Johann I of Liechtenstein (1760–1836). The rank of the male members of the Princely House is determined by the rank of their right of succession to the throne. The resulting order of precedence shall be recorded in the register (Art. 4, para. 2).

2) The female members of the Princely House have a right of precedence rather than a rank. For female members by birth (Art. 1, para. 2), this right is determined by their date of birth within the lines specified in para. 1. For female members by marriage (Art. 1, para. 3), the right of precedence is determined by the rank of the spouse within the order of succession to the throne.

- 3) Only those who are eligible to vote and stand for election in accordance with this House Law may succeed to the throne.
- 4) The Prince appointed in accordance with the order of succession combines the functions of Head of State, Ruler of the Princely House, and Chairman of the Princely Foundations. These three functions cannot be separated, with the exception of the special case regulated in Art. 17, para. 5.
- 5) As Head of State of the Principality of Liechtenstein, the Prince is entitled to the rights and duties specified in the National Constitution as of the date this House Law enters into force.
- 6) As Regent of the Princely House, the Prince safeguards its reputation, honor, and welfare in accordance with the rights and duties set forth in this House Law. In doing so, he is assisted by the Family Council and all family members entitled to vote.
- 7) As chairman of the Princely Foundations and beneficiary of the Princely estate, the Prince shall, to the extent that the income from the estate permits, provide support to members of the Princely House who find themselves in need.

Art. 13

Renunciation of the Throne and Renunciation of the Right of Succession

- 1) If the Prince renounces the throne, he must expressly declare this in writing to the Hereditary Prince or heir to the throne, the Family Council, and the Head of Government. The renunciation of the throne is irrevocable and must be published in the Official Gazette.
- 2) Upon reaching the age of majority (Art. 6), any prince is free to renounce his right to the succession to the throne by means of an explicit and written declaration to the Prince and the Family Council. The renunciation is irrevocable and applies only to the person making the renunciation. The succession of the other members of the Princely House remains unaffected.
- 3) If the Prince renounces the throne or a Prince renounces the right of succession, then his spouse and his descendants born after the renunciation may assume the rank (Art. 12, para. 1) and the right of precedence (Art. 12, para. 2) to which they would have been entitled without the declaration of renunciation only after the person who has ascended to the position of Prince as a result of the declaration of renunciation, his spouse, and his descendants.

Art. 14

Disciplinary Measures Against the Prince

1) If the Prince, through his conduct, damages the reputation, honor, or welfare of the Princely House or the Principality of Liechtenstein, the Family Council is entitled and obligated to take disciplinary action against the Prince.

2) In disciplinary proceedings initiated against the Prince, the provisions of Art. 8 shall apply mutatis mutandis, subject to the following conditions:

a) The procedural powers normally vested in the Prince shall be exercised by the Family Council;

b) The head of government shall be notified confidentially of the initiation of disciplinary proceedings against the Prince, stating the reasons and attaching the Prince's statement on the matter;

c) The only disciplinary penalties that may be imposed on the Prince are a warning or removal from office. In this regard, the imposition of the disciplinary penalty of removal requires that either the disciplinary penalty of a warning imposed on the Prince has been ineffective because the Prince continued the misconduct of which he was accused, or the Prince's misconduct was, in terms of its nature, extent, duration, or consequences was so serious that the imposition of the disciplinary penalty of a warning had to be regarded from the outset as manifestly insufficient;

d) Once the decision becomes final, the disciplinary ruling must be served on all members of the Princely House and the Head of Government;

e) If the disciplinary ruling calls for the Prince's removal from office, it must also be published in the State Gazette.

Art. 15

Removal from Office and Incapacitation of the Prince

1) If, as a result of a serious physical or mental ailment, the Prince becomes permanently unable to exercise the rights and duties to which he is entitled under this House Law for the promotion of the reputation, honor, or welfare of the Princely House or the Principality of Liechtenstein, or if circumstances described in Art. 9, para. 3, subpar. a or b, the Family Council shall, after careful clarification of the facts, request the Prince to abdicate.

2) If the Prince is unable or unwilling to comply with this request within a reasonable period of time, or if any attempt to contact the Prince appears from the outset to be futile, the Family Council shall initiate proceedings for removal from office or incapacitation. For proceedings for removal from office,

, the provisions of Art. 14(2) shall apply mutatis mutandis; for the incapacitation proceedings, those of Liechtenstein law shall apply, in each case subject to the following conditions:

- a) To the extent that the Prince is unable to represent himself, the Family Council shall appoint a provisional legal representative for him from among the suitable family members entitled to vote, excluding the next in line to the throne and his descendants;
 - b) The physical or mental condition constituting the Prince's permanent incapacity to hold office must be confirmed by the expert opinions of two independent experts;
 - c) Impeachment proceedings may also be combined with proceedings for the declaration of legal incapacity.
- 3) If the impediments to the Prince's ability to exercise his duties described in paragraph 1 are only temporary but nevertheless so serious that important interests of the Princely House or the Principality of Liechtenstein make remedial action appear necessary, the Prince shall be requested by the Family Council to remedy the situation in accordance with the provisions of Article 17, paragraph 5, by appointing a regent or deputy. If the Prince is not prepared to do so within a reasonable period of time, the right and duty to remedy the situation shall pass to the Family Council.

FLHG

Art. 16

Motion of No Confidence Against the Prince

1) If the people of Liechtenstein have adopted and notified a motion of no confidence against the Prince that is permissible under the Constitution, it must be dealt with expeditiously in accordance with Article 14 or Article 15, subject to the following conditions:

- a) The Family Council has no right to decide, but only the right to submit a motion to the entirety of the voting members of the Princely House. The Family Council must exercise this right within two months, failing which the right to submit a motion shall be forfeited;
- b) The decision of the totality of voting members of the Princely House must be made in a timely manner such that the entire duration of the proceedings to be conducted under this law, including the notification pursuant to paragraph 2, does not exceed six months. If this deadline is exceeded, the motion of no confidence shall be deemed rejected without further action.

2) The body of the Liechtenstein people appointed in accordance with the Constitution shall be informed without delay of the decision reached or other resolution, together with the necessary justification.

Art. 17

1) In cases where a guardian or curator is to be appointed for a Liechtenstein citizen, a guardian or curator shall also be appointed for a member of the Princely House. For this purpose, the provisions of Liechtenstein law shall apply *mutatis mutandis*, with the proviso that the Prince shall decide in place of the judge. In making this decision, the Prince shall, unless there are compelling reasons to the contrary, take into account as far as possible the suggestions of the closest relatives of the family member to be placed under guardianship or curatorship. The same applies *mutatis mutandis* in the event that a guardian or curator is to be appointed for the Prince, the Princess, or one of their children; however, with the proviso that the Family Council shall decide in place of the Prince.

2) If the Prince has been legally deposed pursuant to Art. 14 or removed from office or declared legally incompetent pursuant to Art. 15, his rights and duties shall be exercised by a regent until the succession to the throne takes effect.

The regency shall be assumed by the next eligible member of the Princely House in line of succession. As long as the Prince is a minor or another minor member of the Princely House precedes the regent in the line of succession, the Family Council shall have the right to remove the regent from office if there are serious grounds for doing so. For this purpose, the procedure set forth in Article 14 shall apply *mutatis mutandis*, provided that a prior warning is not required for the removal of the regent. If the regent becomes unable to perform his duties through no fault of his own, the Family Council shall remove the regent from office. Following the removal or dismissal of the Regent, as long as the conditions for a regency continue to exist, the next eligible voting member of the Princely House in line of succession shall become Regent.

3) The commencement, termination, or modification of the regency shall, upon becoming legally effective, be notified to all members of the Princely House as well as to the head of government and published in the State Gazette.

4) The Regent may not be appointed as guardian or curator of the minor Prince or the minor Crown Prince.

5) The Prince is free to appoint the next eligible voting member of the Princely House in line of succession as Regent or Deputy. This regency or deputy role may extend to all three functions mentioned in Article 12 or to parts thereof.

IV. Final Provisions

Art. 18

The Status of the House Law and Future Amendments

- 1) This House Act shall enter into force on the date of its promulgation.
- 2) The Constitution of the Principality of Liechtenstein may neither amend nor repeal the House Law. The same applies to international treaties concluded by the Principality of Liechtenstein. Where necessary, a corresponding reservation shall be included in such treaties.
- 3) An amendment to the House Law may only be made upon the request of the Prince, the Family Council, or at least ten percent of the eligible voters

Decisions regarding members of the Princely House. A two-thirds majority of all voting members of the Princely House is required for the motion to be adopted. If the amendment is adopted based on a motion by the Family Council or by the required number of voting members of the Princely House, the Prince may veto the resolution within two months. In this case, however, the Prince is obligated to simultaneously submit a detailed counterproposal. If the Prince and the initiators cannot agree on a joint text within a further ten months and put this joint text to a vote, the family members entitled to vote must vote on both proposals. Each voting member of the Princely House may cast their vote for only one of the two proposals or reject both proposals. In this vote, the proposal that achieves a two-thirds majority shall be deemed adopted.

- 4) The House Law and its amendments shall be published in the State Law Gazette.

XI. Children and Youth Act (KJG)

of December 10, 2008

I. General Provisions

Art. 1

Objectives

1) This law is intended to help ensure that:

a) positive living conditions for children, adolescents, and their families, as well as a child-, youth-, and family-friendly environment, are maintained or created;

b) children and adolescents grow up mentally and physically healthy, develop into responsible and socially competent individuals, and are able to actively participate in social life;

c) the integration of children and adolescents, as well as intercultural understanding, is promoted;

d) children, adolescents, and their families can overcome individual and collective disadvantages, and social inequalities among children and adolescents are addressed;

e) Children and adolescents are not disadvantaged, either personally or in their participation in social, political, and cultural life, particularly on the basis of a disability, their gender, their social or ethnic origin, their skin color, their language, their religion, or their worldview;

f) Education promoting respect for human rights, tolerance, and a sense of social responsibility in a democratic state governed by the rule of law is supported;

g) the rights of children and adolescents are protected and promoted in accordance with the Convention of

November 20, 1989, on the Rights of the Child, are protected and promoted.

2) The values expressed in these objectives serve as guidelines and principles for the actions of those persons who are required to perform professional duties under this Act.

Art. 2

Purpose, Principles

1) Children and adolescents are supported in their psychological, health-related, ethical, social, and cultural development in accordance with the provisions of this Act and the regulations issued pursuant thereto. They are entitled to

assistance, protection, and support, as well as consideration of their interests in accordance with the following chapters. This also applies to young adults, to the extent expressly provided for by law.

2) First and foremost, parents, as legal guardians, bear responsibility for their children and adolescents. Other legal guardians and adults are responsible, within the scope of their respective duties, for the upbringing, care, supervision, or safety of children and adolescents.

3) Families, as well as other individuals and institutions that perform educational, care, or supervisory functions, are supported in accordance with the provisions of this Act and the ordinances issued thereunder.

Art. 3

Rights of Children and Adolescents

1) In accordance with the Convention on the Rights of the Child of November 20, 1989, and pursuant to Chapters II through VI of this Act, children and adolescents have the right:

- a) to be protected in their physical and mental integrity, in particular from discrimination, neglect, abandonment, sexual abuse, and violence;
- b) to a non-violent upbringing; corporal punishment, psychological harm, and other degrading measures are prohibited;
- c) to have a say, participate, and have a say in social, political, economic, and cultural matters that particularly affect them, as well as to participate in social life in a manner appropriate to their age;
- d) to be heard in decisions affecting them, to the extent that they are capable of expressing their own views, and to have their views taken into account in accordance with their age and maturity; this applies in particular in judicial and administrative proceedings;
- e) that their best interests are given primary consideration in all measures affecting them under this Act or the ordinances issued pursuant thereto.

2) Children and adolescents may contact the ombudsperson if they believe their rights have been violated.

Art. 4

General Duties of the Child and Youth Authority

The Office of Social Services is the Child and Youth Authority and, within the framework of this Act, has in particular:

- a) to represent the interests of children and adolescents and, where expressly provided for, of young adults;
- b) to inform the public about issues concerning children and adolescents;
- c) to ensure, through planning and development, that a range of services tailored to needs is available to ensure the psychosocial care of children and adolescents, as well as easily accessible services for parents offering educational support and counseling;
- d) to coordinate the psychosocial services provided by private and public institutions in the fields of child and youth welfare and child and youth work, and to ensure the coordination of the various services while taking into account other private and public offerings for children and adolescents;
- e) to promote regional and international exchange and cooperation in the field of child and youth services;
- f) to monitor and analyze national and international developments in the field of children and youth, and to prepare and publish reports and studies on these developments;
- g) to carry out projects, events, and campaigns, particularly those with preventive objectives;
- h) to advise the government on matters concerning children and youth. Art. 5

Definitions

For the purposes of this Act, the following terms shall have the following meanings:

- a) Children: Persons who have not yet reached the age of 14;
- b) Youth: persons who have reached the age of 14 but have not yet reached the age of 18;
- c) young adults: people who have reached the age of 18 but not yet 25;
- d) young people: children, adolescents, and young adults;
- e) Legal guardians and guardian: anyone who has legal guardianship under the Austrian Civil Code (ABGB);
- f) Private education: Education provided by legal guardians or by persons to whom the legal guardians have temporarily entrusted the child's upbringing;

g) Public education: formal education in public or private educational institutions, as well as informal education as it takes place in society.

II. Child and Youth Welfare

A. General

Art. 6

Purpose

Child and youth welfare consists of support for:

- a) the development of the personality of children and adolescents in terms of mental and physical health, as well as the promotion of their healthy development and socialization;
- b) the integration of children and adolescents in linguistic, social, cultural, and societal terms;
- c) for children and adolescents and their caregivers in matters related to the family and social environment, education and training, employment, as well as other issues critical to the well-being of children and adolescents;
- d) young adults, particularly as they become independent;
- e) private education, particularly of parents and other guardians in their parenting responsibilities;
- f) public education, particularly schools, to the extent that they require supplementary support;
- g) families with children and adolescents, to better balance family and work life, as well as in times of particular stress;
- h) non-violent interaction with and among children and adolescents within the family and in society.

Art. 7

Scope of Application

Child and youth welfare services apply in particular to:

- a) Parenting difficulties, problems, and crises within the family;
- b) Separation and divorce, as well as custody and visitation arrangements;
- c) social and behavioral problems, mental disorders, developmental disorders, and physical and intellectual disabilities in children and adolescents;
- d) Substance abuse risk and substance use disorders in children and adolescents;

- e) Unemployment, problems at work and in vocational training for adolescents, or problems at school;
- f) Use of violence, physical or psychological abuse, sexual abuse, or other sexual assaults against children and adolescents;
- g) Runaways and delinquency among children and adolescents;
- h) Neglect or abandonment of children and adolescents;
- i) Placement of children and adolescents;
- k) Out-of-home care and support for children and adolescents;
- l) Adoptions of children and adolescents from within the country and abroad;
- m) Antisocial behavior and delinquency among children and adolescents;
- n) Enforcement of child support claims and child support agreements;
- o) Determination and recognition of paternity;
- p) Pregnancy among children and adolescents. Art.

8

Services

Child and youth welfare services include, in particular, psychological, educational, social, psychiatric, medical, legal, and financial services.

Art. 9

Implementation

- 1) Subject to the jurisdiction of the District Court under Art. 24(4), Art. 27, and Art. 28(3), the Office of Social Services is responsible for the implementation of child and youth welfare. In doing so, it performs the duties set forth in this Act, the ordinances issued pursuant thereto, and other statutory provisions, and provides administrative assistance to domestic and foreign courts and authorities.
- 2) Private institutions may be called upon to participate in child and youth welfare in accordance with Art. 57. In individual cases, the Office of Social Services may commission other specialized institutions, professionals, and private individuals to provide assistance under Section B, as well as award contracts to organizations and individuals pursuant to Art. 59.
- 3) The professionals involved in the provision of child and youth welfare services shall be guided by the recognized state of scientific development and shall act in a professionally sound manner.

Art. 10

Duty of Confidentiality

- 1) Persons working in recognized private child and youth welfare institutions, as well as professionals engaged on a case-by-case basis, are obligated to maintain confidentiality regarding all facts that come to their knowledge in the course of their work and in respect of which a person has a legitimate interest in confidentiality.
- 2) They may disclose confidential information only in fulfillment of an express legal obligation or upon authorization by the entitled parties.
- 3) The duty of confidentiality does not apply to other persons and institutions working in child and youth welfare services, whether domestically or abroad, within the scope of professionally necessary cooperation.
- 4) This is without prejudice to the disclosure of personal data, including special categories of personal data as well as personal data concerning criminal convictions and offenses, in accordance with this Act.

KJG

Art. 11

Eligibility

- 1) Children and adolescents, their parents, and other caregivers are entitled to assistance under Section B. Both the services of the Office of Social Services and those of private child and youth welfare institutions may be utilized within the scope of their respective jurisdictions.
- 2) Young adults are entitled to assistance under Section B if:
 - a) assistance was already provided before they turned 18 and the continuation of the assistance provided to date is necessary;
 - b) they are not yet self-sufficient or there are special life circumstances that make the provision of assistance toward self-reliance necessary and appropriate; for individuals who have earned a steady income and thereby acquired unemployment benefits, the Social Assistance Act applies.
- 3) Children and adolescents may also contact the Office of Social Services and seek counseling from it without the knowledge of their legal guardians if the counseling is necessary due to an emergency or conflict situation and if notifying the legal guardians would prevent the counseling from taking place.

4) Children and adolescents whose welfare is at risk or has been harmed are entitled to have the Office of Social Services take official measures on its own initiative in accordance with Section C and provide the necessary assistance.

5) Children and adolescents who have committed an act punishable by law are entitled to receive support from the Office of Social Services in accordance with Section D.

Art. 12

Participation of the Persons Concerned

1) Professionals working in child and youth welfare strive to collaborate with legal guardians and primary caregivers, as well as to actively involve children and adolescents in an age-appropriate manner.

2) Persons for whom child and youth welfare services are provided are obligated to cooperate.

3) The wishes of the legal guardians regarding the organization of child and youth welfare services shall be taken into account, provided they are reasonable and do not result in unreasonable additional costs.

B. Assistance

Art. 13

Information and Prevention

1) Within the framework of child and youth welfare, both those seeking advice and the general public are informed about matters concerning children, adolescents, and families, particularly regarding general issues of the upbringing and development of children and adolescents.

2) Preventive assistance is provided to support the healthy development of children and adolescents and to reduce developmental risks.

Art. 14

Counseling, Support, Assessment, and Therapy

1) If necessary, children, adolescents, and their families, as well as other significant others, receive counseling, care, assessment, and therapy from the appropriate professionals working in child and youth welfare.

2) For the purposes of counseling, care, assessment, and therapy, children and adolescents may also be placed in appropriate facilities, in particular:

- a) in a recognized private child and youth welfare facility;
- b) in another educational-therapeutic facility; or

c) in a child and adolescent psychiatric or other medical facility.

Art. 15

Special Assistance

If necessary,

a) assistance beyond that provided for in Art. 14, such as educational support, promotion of mental and physical development, and relief in difficult circumstances, shall be provided;

b) Children and adolescents are placed with a foster family or a foster caregiver;

c) Children and adolescents are placed in a daycare facility or similar institution, with a daycare provider, or with another suitable private individual.

Art. 16

Programs and Projects

Where necessary, participation in programs and projects—in particular training and employment programs, work and integration projects, as well as other social and educationally oriented projects—shall be facilitated.

Art. 17

Financial Assistance

The Office of Social Services provides financial and in-kind assistance when special circumstances or life situations make this necessary, in particular:

a) when the cost of living and other necessary expenses, or expenses customary for a normal lifestyle and age-appropriate development of children and adolescents, cannot be financed by anyone else;

b) for young people participating in a program or project under Article 16;

c) for young adults, provided the requirements under Art. 11(2)(b) are met;

d) for working legal guardians who cannot afford, or cannot fully afford, the co-payments for out-of-home day care for a child or adolescent; the government shall regulate the details by ordinance;

e) to provide relief to families who require it due to special burdens, such as a mental or physical illness or disability of a child, a young person, or a legal guardian.

Art. 18

Cost-sharing and Cost-bearing

1) Persons receiving assistance under the child and youth welfare system are exempt from cost-sharing, with the exception of paragraph 2, provided that the assistance is provided by the Office of Social Services itself or ordered by it.

2) Parents and other legal guardians may be required to contribute to the costs of accommodation or care pursuant to Art. 14, para. 2, and Art. 15, letters b and c. The personal contributions shall be determined such that the amount of the cost-sharing is based on the household expenses reduced by the child's, adolescent's, or young person's residential or care-related stay. For low-income parents and other legal guardians, the personal contribution shall be reduced or waived entirely. The Office of Social Services determines the personal contributions and decides on reductions or waivers on a case-by-case basis.

3) For assistance not provided or ordered by the Office of Social Services itself, the costs are generally to be borne by the persons receiving the assistance. If those in need of assistance cannot afford appropriate and beneficial assistance, the Office of Social Services may contribute to the costs.

4) The Office of Social Services bears the costs for the assistance it orders, provided that no other funding source is legally obligated to provide coverage.

5) Recognized private child and youth welfare institutions cover the costs of the assistance they provide under a service agreement within the limits of their budget. If they require additional financial resources to provide assistance in an individual case, the Office of Social Services decides on the type and extent of the assistance and bears the costs in accordance with paragraph 4.

6) The government shall regulate the details, in particular regarding the determination of cost-sharing and user fees, by ordinance.

Art. 18a

Duty to Provide Information

1) To the extent that this is necessary for the provision of financial assistance under Art. 17 or for the determination and calculation, the reduction or waiver of personal contributions and cost-sharing under Articles 17 and 18, parents and other legal guardians must truthfully and fully inform the Office of Social Services of all circumstances relevant to the provision of financial assistance and the determination of cost-sharing and personal contributions, and must submit the necessary documentation.

2) Persons required to provide information under paragraph 1 must report to the Office of Social Services without delay any facts that could result in a change in or the discontinuation of assistance.

3) If persons required to provide information under paragraph 1 fail to fulfill their duty to cooperate in the determination of their income circumstances, the AHV/IV/FAK institutions and other social insurance providers, the Office of Economic Affairs, and employers must, upon request by the Office of Social Services, provide information in individual cases regarding insurance and employment status as well as cash benefits due to unemployment.

4) The government may regulate the details, in particular the nature and scope of the data to be transmitted, by ordinance.

C. Measures to Ensure the Welfare of Children and Adolescents

Art. 19

Cooperation among authorities

To ensure the welfare of children and adolescents, the Department of Social Services, the Department of Education, and other state agencies are required to cooperate in a coordinated manner. To this end, they must support one another and coordinate their activities, in particular by clarifying responsibilities, procedures, and approaches.

Art. 20

Duty to Report

1) Any person who has reasonable grounds to suspect or who is aware of a serious violation or threat to the welfare of children and adolescents is obligated to report this to the Office of Social Services. Serious violations or threats include, in particular,

abuse and other serious acts of violence, sexual abuse, gross neglect, the threat of forced marriage, neglect, and substance abuse.

2) Anyone who has reasonable grounds to suspect, or who is aware of, a less serious violation or threat to the welfare of children and adolescents is entitled to report it to the Office of Social Services. Art. 21

Investigations

1) If the Office of Social Services receives a report pursuant to Art. 20 or otherwise becomes aware of a violation or threat to the welfare of children and adolescents, it shall conduct the investigations necessary for their assessment or have such investigations conducted.

2) Individuals working in child and youth welfare or in child and youth services, teachers, kindergarten teachers, and healthcare professionals must cooperate in determining whether there is an injury or a threat to the well-being of children and adolescents, and in assessing whether action is required, and must support the Office of Social Services with their expertise and experience.

Art. 22

Waiver of Confidentiality Obligations

Persons subject to an official or professional duty of confidentiality are exempt from such duties with respect to their reporting obligations and the exercise of their right to report under Art. 20, as well as with respect to their cooperation in investigations under Art. 21.

Art. 23

Assistance and Further Measures

1) If the welfare of children and adolescents is harmed or endangered, the Office of Social Services shall provide the necessary assistance itself or arrange for it in accordance with Section B. Appropriate assistance may be provided, in consultation with the Office of Social Services, by suitable third parties, in particular by persons referred to in Art. 21(2) who have a personal relationship of trust with the children and adolescents concerned.

2) If necessary, the Office of Social Services must take further appropriate measures in cases where the welfare of children and adolescents is harmed or endangered; in particular, it must issue instructions and conditions pursuant to

Article 24 or arrange for placement pursuant to Article 25 et seq. The doctors on duty and the State Police shall assist the Office of Social Services, at its request, in implementing such measures.

3) If necessary, preventive assistance shall be provided and measures implemented, for example, if there are signs of neglect or substance dependence among children and adolescents.

4) An official measure ends when its purpose has been achieved or when the purpose can be ensured by other means. In any case, the official measure ends when the young person concerned has reached the age of 18.

Art. 24

Instructions and Conditions

1) If the welfare of children and adolescents is at risk, the Office of Social Services may issue instructions and conditions to children and adolescents as well as to their legal guardians.

2) In particular, it may instruct children and adolescents to:

- a) to participate in a program or project;
- b) to undergo counseling, support, assessment, or therapy;
- c) to make use of educational support;
- d) to undertake an activity, training, or education.

3) In particular, it may instruct the legal guardians to:

- a) to ensure proper care and upbringing;
- b) to seek or allow certain professional assistance for their children and adolescents, in particular educational, psychological, or medical counseling, treatment, or monitoring;
- c) to undergo a specific psychological or medical examination, treatment, or therapy themselves, including measures for monitoring and ensuring abstinence in cases of addiction.

4) If a legal guardian refuses to comply with an order or condition and the risk to the well-being of the child or adolescent persists, the Office of Social Services shall apply to the District Court to have this measure ordered by the court in non-contentious proceedings. The

district court may entrust the Social Services Office with monitoring compliance with the directive or condition.

5) Sections 176 through 176b and 215 of the Civil Code (ABGB) as well as Section 195 of the Criminal Code (StGB) remain reserved.

Placement in suitable facilities

Art. 25

a) Principle

1) Children and adolescents whose well-being is seriously endangered if they remain in their current environment due to mental disorders, addiction, social deviance, neglect, violence, sexual abuse, or other impairments, whether due to their own behavior or that of others, may be placed in appropriate facilities pursuant to Art. 14(2) even against their will or the will of their legal guardians if the necessary assistance cannot otherwise be provided.

2) The burden that children and adolescents place on their environment due to a mental disorder or deviant behavior, particularly the risk to the life or health of others, must be taken into account when placing them in care.

3) Placement may take place in an open or a closed facility.

Art. 26

b) Placement by the Office of Social Services

The Office of Social Services may order placement in an open facility with the consent of the legal guardians.

Art. 27

c) Placement by the Regional Court

1) Upon application by the Social Services Office, the District Court shall decide on placement within four weeks if:

- a) the legal guardians do not consent to placement in an open facility; or
- b) placement is to take place in a secure facility.

2) The application filed by the Social Services Office must include details regarding the location and duration of the placement, as well as its expert opinion. If necessary, the Regional Court may additionally request a child and adolescent psychiatric or psychological evaluation, or other expert opinions.

3) If necessary, the Regional Court shall appoint a person to provide legal assistance to children and adolescents and to represent their interests in the proceedings. The costs shall be borne by the state.

4) The decision regarding placement and the appointment of a person under paragraph 3 must be communicated to the legal guardians, the Social Services Office, and, in an appropriate manner, to the children and adolescents concerned, as well as, where applicable, to the public health officer and the physician on duty.

5) Placement may be ordered for a maximum of one year. The Social Services Office must regularly review whether the purpose of the measure is being achieved and whether the placement remains justified; for this purpose, reports must be obtained in particular from the caring domestic or foreign institution.

6) The District Court decides on an extension of the measure upon application by the Office of Social Services. The District Court also decides on the premature termination of the measure:

a) upon application by the Office of Social Services; or

b) upon application by the child or adolescent concerned, or by the legal guardians; the opinion of the Office of Social Services as well as an independent expert opinion must be obtained.

7) Children and adolescents must be released from a facility as soon as the purpose of the measure has been achieved, their mental state permits it, and their continued care is ensured.

8) The children and adolescents affected by the measure, the persons providing them with legal assistance pursuant to paragraph 3, their legal guardians, and the Office of Social Services may file an appeal with the Higher Regional Court against the decision of the Regional Court within 14 days. The same parties may file a petition for review with the Supreme Court against the decision of the Higher Regional Court.

Art. 28

d) Placement in Cases of Imminent Danger

1) In cases of imminent danger, the Office of Social Services shall order immediate placement or detention in a suitable facility, notifying the District Court.

2) In cases of imminent danger, placement in a suitable facility may also be ordered by a doctor on duty, provided the District Court and the Office of Social Services are notified.

3) The District Court must decide on the admissibility of the orders within five days.

4) If necessary, the Office of Social Services must immediately apply to the Regional Court for further measures or take them itself.

5) The government may regulate the details concerning doctors on duty, in particular their professional qualifications, by ordinance.

Art. 29

e) Hearing

1) The Office of Social Services and the courts must hear children and adolescents, as well as their legal guardians, in person before deciding on placement or detention. The hearing must take place at the facility if necessary.

2) The hearing may be omitted in exceptional cases if a person referred to in paragraph 1 is unable to express their own opinion, or if the hearing is not possible for other reasons.

3) If the hearing cannot be conducted temporarily, it must be rescheduled as soon as possible.

Art. 30

Criminal complaints filed by the Office of Social Services

1) Subject to § 53 of the Code of Criminal Procedure, the Office of Social Services may refrain from reporting a criminal offense to the public prosecutor or the State Police if doing so would impair or prevent the provision of appropriate assistance to the affected children and adolescents by third parties, the effectiveness of which requires a personal relationship of trust.

2) The public prosecutor's office and the regional court shall inform the Office of Social Services of the outcome of their proceedings if the Office of Social Services has reported criminal offenses related to a threat to or violation of the welfare of children and adolescents.

D. Support in Cases of Juvenile Delinquency**Art. 31***Support through Measures and Cooperation*

- 1) Children and adolescents who have committed an act punishable by law shall be supported with appropriate measures, in particular educational and therapeutic ones, to prevent further criminal offenses and antisocial development.
- 2) To this end, the Office of Social Services, the State Police, the Public Prosecutor's Office, the State Court, and the Probation Service are required to cooperate. They must support one another and coordinate their activities. This applies in particular to the implementation of diversionary measures.

Art. 32*Report to the Office of Social Services*

The Public Prosecutor's Office must report to the Office of Social Services:

- a) children and adolescents who have committed an act punishable by law;
- b) the initiation of criminal proceedings against juveniles; and
- c) the outcome of the case as determined by the Public Prosecutor's Office or the courts in juvenile court proceedings.

Art. 33*Investigations and Recommendations*

- 1) The Office of Social Services must review the cases reported pursuant to Article 32.
- 2) If the circumstances and nature of the offense indicate family, school, occupational, or social problems, or a disturbance in personality development, the Office of Social Services shall conduct the necessary investigations.
- 3) The Office of Social Services shall notify the Public Prosecutor's Office or the District Court of the findings under paragraph 2 and provide them with recommendations for appropriate measures, particularly educational and therapeutic ones.
- 4) If the investigations by the Office of Social Services reveal a need for action to safeguard the welfare of children and adolescents, Section C shall apply. The Office of Social Services shall inform the District Court or the Public Prosecutor's Office of any assistance provided or measures taken, as long as they are concerned with the matter of the children and adolescents in question.

Art. 34

Educational Measures and Special Investigations

1) Assistance under Section B may be ordered by the District Court as educational measures within the meaning of § 3 of the Juvenile Court Act.

2) If the regional court's order is based on a recommendation from the Social Services Office, the allocation of costs and cost-sharing shall be governed by Article 18.

3) If the Social Services Office is entrusted with special investigations pursuant to § 21 of the Juvenile Court Act, Art. 33(3) applies.

E. Foster Care Arrangements for the Purpose of Adoption and Adoptions Abroad

1. General provisions for the placement of children and adolescents

Art. 35

Requirement for Authorization

Anyone wishing to take in children or adolescents into their household for the purpose of adoption or to adopt abroad requires authorization from the Office of Social Services for each child and each adolescent.

Art. 36

General Requirements

1) A child or adolescent may only be taken into the household or adopted abroad for the purpose of adoption if the prospective adoptive parents or the prospective adoptee(s) and their cohabitants, based on their reputation, health, character, suitability as educators, financial circumstances, and living conditions, guarantee good care, upbringing, and education as well as the maintenance of the child or adolescent, and the well-being of other children and adolescents living in the household is not endangered.

2) Before granting approval, the Social Services Office verifies whether:

- a) there are no legal obstacles to the adoption;
- b) the requirements under paragraph 1 are met;
- c) the overall circumstances indicate that the adoption is in the best interests of the child or adolescent.

2a) The prospective adoptive parents are required, as part of the review of the requirements under paragraphs 1 and 2, to provide the Office of Social Services with:

- a) provide the necessary information;
- b) submit the necessary documents; and
- c) grant access to premises.

3) The government shall regulate the details of the approval procedure and the requirements for the placement of children and adolescents for the purpose of adoption, as well as for children and adolescents adopted abroad, by ordinance.

Art. 37

Maintenance and Insurance Obligations

1) Anyone who takes children or adolescents into their household for the purpose of adoption must:

a) provide for their maintenance in the same manner as for their own children and adolescents; § 140 ABGB applies mutatis mutandis. The granting of a care allowance is excluded;

b) take out health, accident, and liability insurance for them to an appropriate extent.

2) If, after taking in children and adolescents, it becomes apparent that the adoption cannot proceed, the foster parents must nevertheless bear all costs associated with their care, including insurance, until an adoption by third parties is finalized or, if necessary for the well-being of the children and adolescents, they have returned to their home country.

Art. 38

Prohibition of Violence

The prohibition of violence for parents pursuant to § 146a(2) ABGB also applies to foster parents.

Art. 39

Foster Care Period and Supervision

1) The foster care period prior to adoption shall not exceed six months.

2) During the foster care period, the Social Services Office verifies whether the requirements for the placement of children and adolescents continue to be met and advises the prospective adoptive parents as needed.

3) The prospective adoptive parents must report any significant change in circumstances to the Office of Social Services during the foster care period.

4) If deficiencies or difficulties cannot be resolved and remedial measures appear to be futile, the Office of Social Services must revoke the authorization and take the necessary measures.

5) The government shall regulate the details concerning the supervision of foster care arrangements for the purpose of adoption by ordinance.

2. Special Provisions for the Placement of Children and Adolescents from Abroad

Art. 40

Additional Requirements

1) Children and adolescents who have previously lived abroad may only be placed for the purpose of adoption or adopted abroad if the prospective adoptive parents are willing to accept the children and adolescents as they are and to familiarize them with their country of origin in a manner appropriate to their age.

2) The following must also be submitted to the Office of Social Services:

- a) a medical report on the health of the child or adolescent;
- b) a report detailing the child's, adolescent's, or young person's life history to date, to the extent that it is known;
- c) the consent of the child's, adolescent's, or young person's parents to the adoption, or a statement from an authority in the country of origin explaining why consent cannot be obtained;
- d) a statement from an authority competent under the law of the country of origin that the adoption is in the best interests of the child, adolescent, or young person;
- e) a written statement of intent from the prospective adoptive parents indicating their desire to adopt the child, adolescent, or young person.

3) Before granting approval, the Office of Social Services shall verify whether the requirements under paragraphs 1 and 2 are met.

Art. 40a

Cooperation with Competent Foreign Authorities

For the purpose of placing children and adolescents from abroad, the Office of Social Services may, within the framework of cooperation with the competent foreign authorities, transmit and receive documents and reports.

Art. 41

Personal contact

The Office of Social Services shall grant permission to adopt children and adolescents from abroad on the condition that the prospective adoptive parents visit the child or adolescent in their country of origin

, provided that no personal contact has yet taken place, or pick them up in their home country and accompany them to Liechtenstein. In exceptional circumstances, this requirement may be waived.

Art. 42

Entry and Residence

Entry visas and assurances of residence permits for children and adolescents from abroad who are to be admitted to the country for the purpose of adoption or following a successful adoption abroad may only be issued if the Office of Social Services has granted approval for the admission of children and adolescents.

Art. 43

Reporting Obligation

Prospective adoptive parents, as well as persons who have adopted a child or adolescent abroad, must report the child's or adolescent's entry to the Office of Social Services within ten days.

Art. 44

Custody

1) From the time children and adolescents leave their home countries until their adoption, custody of the children and adolescents rests with the prospective adoptive parents, unless custody for this period is vested in a person or authority in the home country. The provisions of the Austrian Civil Code (ABGB) regarding custody apply mutatis mutandis to the prospective adoptive parents.

2) The maintenance and insurance obligations under Art. 37 arise at the time children and adolescents leave their home countries.

Art. 45

Placement of Children and Adolescents

1) Any person who engages in the placement of children and adolescents from abroad for the purpose of adoption on a commercial basis requires authorization from the Office of Social Services.

2) No one may derive improper financial or other benefits from activities related to an international adoption. Only costs and expenses, including reasonable fees for persons involved in the adoption, may be invoiced and paid.

3) The Office of Social Services supervises the placement agencies. In the event of abusive adoption placement, particularly as described in paragraph 2, it must revoke the authorization and take the necessary measures.

4) The Government shall regulate the details of the placement of children and adolescents from abroad for the purpose of adoption by ordinance, in particular regarding the requirements and the supervision of placement agencies. Art. 46

Procedures under the Hague Convention

1) The Office of Social Services is the Central Authority within the meaning of Article 6(1) of the Convention of May 29, 1993, on Protection of Children and Cooperation in Respect of Intercountry Adoption ("Hague Convention").

2) The Regional Court is the competent authority for issuing an adoption certificate within the meaning of Article 23(1) of the "Hague Convention."

3) When accepting children and adolescents from Contracting States to the "Hague Convention," the procedure is governed by this Convention.

Art. 47

Recognition of Adoptions

Adoptions that took place abroad and were carried out in accordance with the provisions of Section E shall be recognized. A confirmation from the foreign authority that carried out the adoption must be submitted.

3. Right to Information for Adopted Children and Adolescents

Art. 48

Right to Information Regarding Origin

To the extent possible, the competent authorities shall provide children and adolescents with access, in a psychologically appropriate manner, to information regarding their origins, in particular regarding the identity of their biological parents.

F. Out-of-home care and support for children and adolescents

1. Private care and foster care arrangements

Art. 49

Requirement for Authorization

1) Anyone wishing to take in children and adolescents under the age of 16 into their household requires authorization from the Office of Social Services for each child and each adolescent, provided that the placement is:

a) for remuneration; and

- b) for a period of at least three months at 40 hours per month.
- 2) The following are exempt from the permit requirement:
 - a) care and guardianship arrangements involving relatives or in-laws up to and including the third degree;
 - b) care arrangements, provided that the court has transferred parental rights to the caregivers;
 - c) care arrangements ordered by a court or public authority.
- 3) Repealed

Art. 50

Requirements

- 1) Children and adolescents under the age of 16 may only be placed in care if the caregivers and their housemates, in terms of character, reputation, health, and educational aptitude, as well as their living conditions, can guarantee good care, upbringing, and education for the children and adolescents, and if the well-being of other children and adolescents living in the household is not endangered.
- 2) The Office of Social Services verifies that these requirements are met before granting approval.
- 3) Caregivers are required, as part of the authorization process, to provide the Office of Social Services with:
 - a) to provide the necessary information;
 - b) to submit the necessary documents;
 - c) to permit contact with the children and adolescents in their care; and
 - d) to grant access to the premises.

Art. 51

Prohibition of Violence

The prohibition on violence for parents pursuant to § 146a(2) ABGB also applies to caregivers and guardians.

Art. 52

Supervision

1) After the care or guardianship relationship has been established, the Office of Social Services shall verify whether the requirements under Art. 50(1) continue to be met and shall advise the caregivers or guardians as needed.

2) If deficiencies or difficulties cannot be resolved even in cooperation with the parents or the legal representative, and if other remedial measures appear futile, the Office of Social Services shall revoke the authorization and take the necessary measures.

3) In cases of imminent danger, the Office of Social Services shall immediately take the necessary measures.

3a) Article 50(3) applies to the duty of cooperation on the part of guardians or caregivers.

4) The government shall regulate the details concerning the supervision of care and nursing arrangements by ordinance.

2. Care and Nursing Facilities

Art. 53

Licensing Requirement

1) The operation of facilities that admit children and adolescents for care or nursing requires a license from the Office of Social Services.

2) Kindergartens and school facilities under state supervision are exempt from the licensing requirement.

3) Repealed

Art. 54

Requirements

1) A facility may only be operated if:

a) the care or supervision of children and adolescents, which is conducive to their physical and psychological development, appears to be ensured by the existence of an educational concept developed according to scientifically recognized criteria;

b) the director and staff are suitable for their duties in terms of character, reputation, health, educational aptitude, and training, and the number of staff is proportionate to the number of children and adolescents in their care;

c) a healthy and varied diet is provided;

d) the facilities meet recognized standards for residential hygiene and fire safety;

- e) the facility has a secure financial and organizational foundation; and
- f) the facility has adequate liability insurance.
- 2) The Office of Social Services verifies that these requirements are met before granting approval.
- 2a) Care and nursing facilities are required, as part of the licensing process, to provide the Office of Social Services with:
 - a) provide the necessary information;
 - b) submit the necessary documents;
 - c) to allow contact with the children and adolescents in their care; and
 - d) to grant access to the premises.
- 3) The government shall regulate the details of the licensing procedure and the requirements for the operation of the facility by ordinance.

KJG

Art. 55

Prohibition of Violence

The prohibition on violence for parents pursuant to § 146a(2) ABGB also applies to caregivers and nursing staff.

Art. 56

Supervision

- 1) The Office of Social Services shall regularly verify, after the facility has commenced operations, whether the requirements under Art. 54 continue to be met.
- 2) If deficiencies or difficulties cannot be resolved through counseling or the referral of specialized assistance, the Office of Social Services shall instruct the director of the facility—with notice to the operating entity—to immediately take the necessary steps to remedy the deficiencies or difficulties.
- 3) If these measures prove unsuccessful or appear insufficient from the outset, the Office of Social Services shall revoke the authorization and take the necessary measures.
- 3a) Article 54(2a) applies to the duty of cooperation of care and nursing facilities.
- 4) The government shall regulate the details concerning the supervision of care and nursing arrangements by ordinance.

G. Private Facilities and Financial Contributions

Art. 57

Participation of private institutions

1) Suitable private facilities, such as counseling centers, educational-therapeutic facilities, or daycare centers, may be called upon to cooperate in child and youth welfare and may receive financial support. For this purpose, the Office of Social Services concludes service contracts with the operators of such institutions, which are subject to approval by the government. Upon approval of the service contract, the institution is deemed to be recognized.

2) The service contracts regulate in particular:

- a) the principles of service provision;
- b) the range of services or the services to be provided (type, quantity, quality);
- c) the form and amount of financial contributions;
- d) the performance review;
- e) the data to be submitted to the Office of Social Services.

3) The Office of Social Services monitors compliance with service agreements and disburses financial contributions.

4) The Office of Social Services may provide technical and organizational support to recognized private child and youth welfare institutions, particularly in the placement of children and adolescents in out-of-home care and support.

5) The Office of Social Services or a third party commissioned by it may operate information systems for the calculation of financial contributions and for the placement of children and adolescents in out-of-home care and support.

6) The government shall regulate the details by ordinance. Art. 58

Supervision of Private Institutions

1) Supervision of recognized private child and youth welfare institutions is the responsibility of the Office of Social Services, particularly with regard to professional, financial, and organizational matters.

2) If deficiencies or difficulties are identified during the course of supervisory activities and these are not remedied despite a warning, the Office of Social Services may terminate the service contract and apply to the government to revoke the institution's status as a private

child and youth welfare institution and, if necessary, revoke the authorization under Art. 56(3).

Art. 59

Participation of Other Organizations and Individuals

1) For individual projects and services, the Office of Social Services may, within the framework of child and youth welfare, award contracts to organizations that are not recognized private child and youth welfare institutions, as well as to individuals, or participate in and fund programs offered by them.

2) In particular, financial support may be provided to:

- a) Training and employment programs, work and integration projects, as well as other social and educationally oriented projects;
- b) Respite and support services that help achieve a better work-life balance or benefit families facing particular challenges. Art. 60

Securing Care Places

The Office of Social Services ensures the availability of care places in educational and therapeutic facilities to guarantee child and youth welfare and, if necessary, submits corresponding contracts with foreign institutions and authorities to the government for approval and signature. It assesses whether child and youth welfare can be better ensured through the establishment and operation of the necessary facilities within the country.

H. Recognition of Paternity

Art. 61

Certification and Authentication

Declarations of paternity and related declarations must be notarized and certified by the Office of Social Services. The Office of Social Services should recommend that the parents enter into a child support agreement.

III. Child and Youth Protection

A. General

Art. 62

Purpose, Principles

- 1) The purpose of child and youth protection is:

a) to protect children and adolescents from dangers and situations that may harm them or impair their development, as well as from actions and activities that are not appropriate for them given their age and stage of development;

b) to strengthen children and adolescents in their ability to protect themselves.

2) All adults are obligated, within the context of private and public education, to assume responsibility for children and adolescents within their sphere of influence. They should be encouraged in the fulfillment of their duties, but also held accountable if they violate them.

3) Risks must be countered through preventive measures such as information, education, and counseling. Children, adolescents, and adults should, in particular, be encouraged to critically evaluate and ward off harmful influences.

Art. 63

Protection from Hazards

The protection of children and adolescents includes, in particular, the protection of children and adolescents from:

a) the use of addictive substances, substance abuse, and dependence on addictive substances, as well as addictive behavior;

b) political, ideological, or religious indoctrination, particularly by cults;

c) Pornography, prostitution, pedophilia, and other forms of violation of their sexual integrity;

d) Discrimination such as sexism and racism, political radicalization such as right-wing extremism, violence, the glorification of violence and war, as well as other forms of contempt for humanity;

e) Trafficking in children and adolescents;

f) Economic exploitation and debt dependency, as well as other forms of exploitation of physical or mental immaturity in business transactions and the workplace.

B. Specific Risks

Art. 64

Supervision

- 1) Supervisors are defined as adults to whom children and adolescents are entrusted by virtue of their professional duties or on behalf of legal guardians.
- 2) Legal guardians must provide the supervisory authorities under Art. 75 with information regarding whether they have issued an assignment pursuant to paragraph 1. In the event of a refusal to provide such information, the assignment shall be deemed not to have been issued.
- 3) Legal guardians and supervisors must ensure, within the scope of their parental responsibilities or their duty of supervision, that the children and adolescents entrusted to them comply with the provisions for the protection of children and adolescents.

Art. 65

Regulations on Leaving the Premises

- 1) Legal guardians shall decide on the whereabouts of their children and adolescents, subject to paragraphs 2 and 3 and Art. 66.
- 2) Subject to paragraph 4, children may only spend the night outside private households or be in public between 10:00 p.m. and 5:00 a.m. if they are accompanied by a parent or legal guardian or a supervising adult.
- 3) Subject to paragraph 4, minors under the age of 16 may only spend the night outside private households or be in public between 12:00 a.m. and 5:00 a.m. if they:
 - a) are accompanied by a parent or guardian or a supervising adult; or
 - b) can present written permission from a parent or legal guardian for the specific occasion; the permission must include:
 1. the date;
 2. the location(s);
 3. the time by which the youth must be back home;
 4. the signature of the parent or guardian.
- 4) Children and adolescents under the age of 16 may, with the permission of a parent or guardian and accompanied by an authorized adolescent, spend the night away from home in groups if the overnight stay takes place as part of a camp organized by an institution or association involved in child and youth work, and an adult is in charge of supervision.

5) Legal guardians and supervisors must ensure that, outside of permitted curfew hours, children and adolescents are also supervised on their way to and from the facility.

6) Legal guardians must provide the supervisory authorities with information pursuant to Art. 75 regarding whether they have granted permission under para. 3(b); if such information is withheld, the permission is deemed not to have been granted.

7) Other adults, in particular restaurant and bar owners as well as event organizers, must instruct children and adolescents who are on their premises outside of permitted curfew hours to return home or to their place of origin.

Art. 66

Premises posing a risk to children and adolescents

1) If a venue, due to its nature, location, facilities, mode of operation, the events, performances, or exhibitions, or due to the expected visitor demographic, a location poses a danger to children and adolescents under Art. 62(1)(a) and Art. 63, the persons responsible for such locations or organizing events there must ensure that children and adolescents—or, where applicable, specific age groups—are excluded from them. A venue may pose a danger to children and adolescents either permanently or only temporarily.

2) If a venue consists of several separate rooms, the exclusion of children and adolescents must apply to those parts for which one of the conditions under paragraph 1 applies.

3) Children and adolescents are not permitted to enter premises from which they have been excluded.

4) For premises that pose a danger to the safety of children and adolescents, the persons responsible for such premises or organizing events there must take safety precautions that meet the special safety needs of children and adolescents.

5) The Office of Social Services may order the exclusion of children and adolescents from locations that pose a danger to them with immediate effect, provided this is urgently necessary. It may also impose restrictions or conditions if this eliminates or significantly reduces the danger.

6) The government shall regulate the details by ordinance. In particular, it may specify locations that endanger children and adolescents and establish age restrictions; the assessment of harmful effects or developmental impairment pursuant to Art. 62(1)(a) due to dangers within the meaning of Art. 63 shall be based on the current state of scientific knowledge.

Art. 67

Products and services harmful to children and adolescents

1) Products and services, including media products and services, that pose a danger to children and adolescents pursuant to Art. 62(1)(a) and Art. 63 or to the safety of children and adolescents may not be offered, provided, demonstrated, or otherwise made available to them, or to specific age groups where applicable. Safety may be endangered, for example, by products such as fireworks or weapon-like objects.

2) Persons who offer or demonstrate products or services harmful to children and young people pursuant to paragraph 1, and business operators who facilitate access to such products or services, must ensure through appropriate and reasonable measures that children and young people do not gain access to products and services that are not suitable for their age group.

3) Vending machines and similar devices containing products harmful to children and adolescents may only be installed if appropriate safety measures ensure that children and adolescents do not obtain these products. This applies in particular to self-service machines such as cigarette and gaming machines.

4) Persons who manufacture, distribute, offer, or demonstrate products and services harmful to children and adolescents must, in particular, also ensure that children and adolescents—or, where applicable, specific age groups—do not participate in the manufacture, distribution, sale, or demonstration of such products and services, unless their participation is permitted under other legal provisions and, if necessary, a corresponding authorization from a competent authority has been obtained.

5) The Office of Social Services may order measures under paragraph 6 to take effect immediately, provided that such action is urgently necessary.

6) The government shall regulate the details by ordinance; in particular, it may:

a) designate products and services that endanger children and adolescents and specify which products and services are suitable only for certain age groups; the assessment of harmful effects or developmental impairment pursuant to Art. 62(1)(a) based on risks within the meaning of Art. 63 shall be guided by the current state of scientific knowledge;

b) determine which measures those responsible must take pursuant to paragraph 2;

c) prohibit the display of products and services harmful to children and young people in places where they are accessible to children and young people;

d) restrict the advertising of products and services harmful to children and young people within the meaning of Article 70;

e) prohibit children and adolescents from consuming and possessing certain products harmful to children and adolescents.

7) The provisions of media legislation regarding the protection of children and young people remain reserved.

Art. 68

Age ratings, classification, and labeling requirements for audiovisual media products and services

1) Audiovisual media products and services, in particular films and entertainment software, may only be offered, provided, shown, or otherwise made available to children and adolescents, and may only be acquired and consumed by them, if they are approved for their respective age group pursuant to paragraph 2.

2) Persons who offer or screen audiovisual media products and services on a commercial basis must ensure the minimum age classification in accordance with the recommendations of the reference bodies designated by the Office of Social Services and must clearly display this classification. If no recommendation is available, the minimum age classification shall be determined in accordance with the guidelines of the Office of Social Services.

3) Television listings in newspapers and magazines that receive funding under media support legislation should, where possible, include references to the recommended minimum age.

Art. 69

Alcoholic Beverages and Tobacco Products

- 1) The sale and distribution of alcoholic beverages, as well as tobacco products and smoking products containing tobacco substitutes (tobacco products), to children and minors not authorized under paragraphs 3 and 4 are prohibited. This also applies if the alcoholic beverages and tobacco products are intended for other persons.
- 2) At events specifically aimed at children and adolescents, distilled alcohol (spirits) and industrially produced alcoholic mixed drinks (alcopops) may not be sold.
- 3) The consumption and possession of alcoholic beverages and tobacco products are prohibited for children and adolescents under the age of 16.
- 4) The consumption and possession of spirits and alcopops are prohibited for children and adolescents.
- 5) Children and adolescents must not be induced to violate the prohibitions set forth in paragraphs 1 through 4.
- 6) In the beverage selection offered in restaurants, as well as in clubhouses, discotheques, clubs, and at events accessible to children and adolescents, at least three common non-alcoholic beverages must be offered at a lower price than the cheapest alcoholic beverage in the same quantity.
- 7) Alcoholic beverages must be displayed for sale in such a way that they can be clearly distinguished from non-alcoholic beverages.

Art. 70

Advertising of Alcoholic Beverages and Tobacco Products

- 1) Advertising for alcoholic beverages and tobacco products that is specifically aimed at children and adolescents, as well as the use of children and adolescents to promote alcoholic beverages and tobacco products, is prohibited.
- 2) Alcoholic beverages and tobacco products must not bear information or images specifically aimed at children and adolescents. The same applies to the presentation of alcoholic beverages and tobacco products.
- 3) Advertising for alcoholic beverages and tobacco products is prohibited in particular:
 - a) in places where children and adolescents are primarily present;

- b) at cultural, sporting, or other events primarily attended by children and adolescents;
 - c) in media products and services, such as newspapers, magazines, films, and entertainment software, that are primarily intended for children and adolescents;
 - d) through the free distribution of promotional items to children and adolescents, such as T-shirts, caps, flags, and beach balls;
 - e) through the free distribution of alcoholic beverages and tobacco products to children and adolescents;
 - f) on toys;
 - g) on school supplies such as school folders, pencil cases, and fountain pens.
- 4) The provisions of media legislation regarding the protection of children and adolescents remain reserved.

Art. 71

Narcotics

- 1) The criminal and other legal provisions regarding narcotics apply to the manufacture, distribution, procurement, and use of narcotics. In the case of violations by children and adolescents, the provisions of this Act, in particular Articles 31 through 34, apply in addition to the Juvenile Court Act.
- 2) The use and possession of substances covered by the Narcotics Act—even if their use and possession are not prohibited for adults—are prohibited for children and adolescents. If children or adolescents violate these prohibitions, the provisions for the protection of children and adolescents apply; criminal prosecution does not take place.
- 3) Substances not covered by the Narcotics Act but intended to sedate, stimulate, or intoxicate must not be dispensed to or passed on to children and adolescents, nor may they be consumed by them or come into their possession. However, this does not apply if the use has been medically prescribed. The provisions for the protection of children and adolescents, in particular Art. 67, apply.

C. Implementation

Art. 72

Cooperation of the Municipalities

Municipalities are obligated to cooperate in the implementation of child and youth protection.

Art. 73

Age Verification and Notification Requirements

- 1) The persons responsible under Section B must ensure compliance with age restrictions in their respective areas by conducting age checks. This applies in particular to restaurants, grocery stores, kiosks, video stores, movie theaters, clubhouses, discotheques, clubs, and events.
- 2) The persons responsible under paragraph 1 must clearly display, in appropriate locations, the child and youth protection regulations applicable to their area, in accordance with the guidelines of the Office of Social Services. With regard to age restrictions, this obligation to provide notice also applies to advertising and announcements.
- 3) Those responsible under paragraph 1 must ensure, through further appropriate measures—in particular through education, refusal to sell products or provide services, refusal of entry, or removal from premises—that the child and youth protection regulations applicable to their area are complied with.
- 4) Municipalities must ensure that the regulations for the protection of children and young people, and in particular the age restrictions, are clearly displayed and observed at events held in municipal premises and in public spaces within the municipality.

Art. 74

Identification Requirement

- 1) To prove that the minimum age specified by this Act or the ordinances issued pursuant thereto has been reached, a valid identification document must be presented upon request.
- 2) The following are considered valid identification under paragraph 1:
 - a) Passport;
 - b) Identity card;
 - c) Driver's license.
- 3) The obligation to present identification under paragraph 1 applies to inspection authorities of the state police, municipalities, and the Office of Social Services, as well as to

other persons who are required to verify age, particularly in restaurants, grocery stores, kiosks, video stores, movie theaters, clubhouses, discotheques, clubs, and at events.

Art. 75

Inspection and Monitoring Authorities

1) The state police, the municipalities, the Office of Social Services, and other authorities dealing with child and youth protection issues are responsible for monitoring and enforcing compliance with child and youth protection regulations. They shall cooperate in the performance of their duties.

2) The State Police is specifically responsible for organizing and coordinating identity checks. In particular, it must ensure that identity checks are systematically carried out in restaurants and at events. In cases of reasonable suspicion of a violation of the prohibitions on the consumption of alcohol and narcotics, it is authorized to conduct or order a screening test on children and adolescents. Refusal to undergo the screening test results in a report pursuant to paragraph 6.

3) If children and adolescents must be taken home to be handed over to their legal guardians as a result of a police check, the legal guardians must bear the costs of transportation home. The State Police will charge a fee of 150 francs.

4) The supervisory bodies of the State Police, the municipalities, and the Office of Social Services are required to confiscate alcoholic beverages, tobacco products, and other products harmful to children and adolescents from them and to seize such products if they are directly linked to a violation of child and youth protection regulations.

5) The Office of Social Services may arrange for test purchases to be made by children and adolescents. To ensure the educational supervision of the children or adolescents involved, private individuals and legal entities may only arrange for test purchases to be made by children and adolescents in consultation with the Office of Social Services. The use of children and adolescents is permitted only with the consent of their parents.

6) The supervisory bodies of the State Police and the municipalities shall report to the Office of Social Services:

a) any violations of child and youth protection regulations committed by children and adolescents, except for minor offenses;

b) if they have repeatedly encountered a young person in a severely intoxicated state.

7) The supervisory bodies of the municipalities and the Office of Social Services must report any violations committed by adults to the State Police.

Art. 76

Educational Measures for Violations by Children and Adolescents

1) The Office of Social Services must inform the legal guardians of violations of child and youth protection regulations committed by their children and adolescents that have been reported pursuant to Art. 75(6). The legal guardians must take appropriate educational measures.

2) The Department of Social Services may require children, adolescents, and their legal guardians to participate in educational consultations with a specialist from the Department of Social Services and to implement the parenting measures agreed upon during those consultations.

3) The Office of Social Services may require children and adolescents to participate in a course, training, or an educational-therapeutic group program. It may also instruct or require children and adolescents to perform certain educationally beneficial tasks in their free time, such as community service or assisting in the operation of charitable institutions, without compensation, provided that they are not required to do so for more than 40 hours.

4) Children and adolescents may only be assigned tasks that are reasonable for them to undertake, taking into account their personal circumstances, in particular their abilities, age, and health.

5) The Office of Social Services may commission suitable institutions to carry out and supervise measures pursuant to paragraph 3.

6) The state shall insure children and adolescents against illness and accident in the event that they are required to perform community service tasks pursuant to paragraph 3, provided that no other insurance coverage exists.

7) Furthermore, the state provides insurance coverage in cases where children and adolescents cause damage to an institution, a business, a sponsoring organization, or a third party while performing a charitable task, provided that no other insurance coverage exists. The state is only required to reimburse the damage

in cash. The state may seek reimbursement from institutions, businesses, and organizations to the extent that they or their bodies are at fault due to intent or gross negligence, in particular through neglect of supervision or instruction.

IV. Support for Children and Youth

Art. 77

Purpose

The support for children and youth aims, in particular through the promotion of open and association-based child and youth work in the extracurricular and non-vocational sectors, to:

- a) the age-appropriate development of young people and the expansion of their learning and development opportunities;
- b) the social and cultural integration of young people and the promotion of intercultural understanding;
- c) support for disadvantaged young people and the improvement of their equal opportunities;
- d) empowering young people to exercise self-determination and co-determination, to assume personal and social responsibility, and to engage in social activism;
- e) the education of young people in tolerance and respect for human rights. Art. 78

Types of Support

Support for children and youth includes information, counseling, and assistance; the provision of financial contributions; and the provision of personnel and material resources, including facilities.

Art. 79

Scope of Support for Children and Youth

1) Funding is available for initiatives by young people, programs for young people, facilities and equipment, as well as education and training, in particular:

- a) Youth initiatives;
- b) Events and projects for children and youth;
- c) international youth exchanges;
- d) recreational activities for children;
- e) Youth information and expert counseling;

- f) the operation of children's and youth centers and recreational facilities for children and youth;
- g) Facilities and equipment for children and youth;
- h) Training and youth leader leave for volunteers;
- i) Courses and events for continuing education and professional development for those working in child and youth services;
- k) Internships and apprenticeships in child and youth work.

2) When awarding grants under paragraph 1, consideration must be given to whether other government grants—for example, in the cultural or sports sectors—can be claimed. In such cases, with the exception of cross-sectoral projects and programs, no funding is provided under the Children and Youth Support Program.

Art. 80

Recipients of Funding

Within the framework of child and youth support, the following may in particular be supported:

- a) Child and youth work organizations;
- b) Clubs, associations, divisions of associations, or other organizations engaged in child and youth work;
- c) Children's and youth organizations and youth groups;
- d) Individuals and groups of individuals who carry out events or projects in the field of child and youth work.

Art. 81

Eligibility Criteria

The following criteria shall be used to assess eligibility for funding:

- a) consistency with the purpose of child and youth support;
- b) public nature, accessibility, public benefit, systematic planning, and cost-effectiveness;
- c) the provision of own contributions;
- d) qualified leadership and supervision;
- e) the existence of a program or plan;
- f) an appropriate structure (organization, staff, facilities);
- g) teaching methods and approaches appropriate for the support of children and youth.

Art. 82

Responsibility

- 1) The promotion of children and youth is the responsibility of the state and the municipalities.
- 2) The principle applies that initiatives, programs, facilities, and institutions pursuant to Art. 79(1)(a) through (g) are to be supported by the municipalities if they are municipality-specific, and by the state if they are in the state's interest and have a statewide, regional, supraregional, or international focus.
- 3) Funding under Art. 79(1)(h) through (k) is the responsibility of the state.
- 4) State funding is provided through:
 - a) the provision of financial contributions and in-kind resources. Financial contributions may be paid as a one-time grant or on a regular basis in the form of annual contributions;
 - b) technical support from the Office of Social Services. The Office of Social Services provides information and advice on matters related to child and youth support.
- 5) The government establishes the details regarding the state's support for children and youth—in particular, the eligibility criteria and the scope of support—by ordinance. The Office of Social Services decides on a case-by-case basis regarding eligibility for support, as well as the type, scope, and amount of support.
- 6) Within their area of responsibility, it is up to the municipalities to determine how they implement support for children and youth in accordance with the interests of children and youth. Municipal support is provided in particular through:
 - a) the operation of children's and youth centers as well as children's and youth recreational facilities;
 - b) the provision of financial contributions and the allocation of personnel and material resources.

Art. 83

Cooperation

- 1) The state and the municipalities coordinate their support for children and youth. To this end, the committees and institutions in the municipalities responsible for supporting children and youth cooperate with the Office of Social Services.
- 2) Support for children and youth, the school system, state vocational training, support for culture and sports, and other state support programs for young people must be coordinated with regard to support measures and programs.

Art. 84*Service Agreements*

The Office of Social Services enters into service agreements with recipients of regular state subsidies, which are subject to government approval. It monitors compliance with the service agreements and, if necessary, adapts them to changing needs.

Art. 85*Supervision*

1) Supervision of child and youth support within the state's jurisdiction is the responsibility of the Office of Social Services and is carried out in accordance with the criteria set forth in Art. 81.

2) Recipients of regular state funding are subject to operational supervision. In the case of one-time grants, particularly for events and projects, supervision is limited to verifying the use of the funds.

3) If deficiencies are identified during the supervisory process and are not remedied despite a warning, the Office of Social Services may withhold funding, terminate the service contract, or order other appropriate measures.

4) Supervision of child and youth support falls within the jurisdiction of the municipalities in accordance with the criteria set forth in Art. 81.

Art. 86*Duty of Confidentiality*

Persons professionally engaged in child and youth work are obligated to maintain confidentiality regarding all facts that come to their knowledge through this work, where there is a legitimate interest of a person in keeping such information confidential. They may disclose confidential information only in fulfillment of an express legal obligation or upon authorization by the entitled parties.

V. Representatives of the Interests of Children and Youth**A. Participation of Children and Adolescents****Art. 87***Voice, involvement, and participation*

The state and municipalities shall involve children and adolescents in social decision-making processes and ensure that they have a say in matters that particularly affect them, as well as the opportunity to help shape and influence their environment and future in an age-appropriate manner.

Art. 88

Participation Procedures

- 1) The state and the municipalities shall develop appropriate procedures for the participation of children and adolescents. These shall become an integral part of the opinion-forming and decision-making processes at the state and municipal levels.
- 2) Legislative proposals that particularly affect children and adolescents shall be sent to schools so that their students of adolescent age can comment on them.
- 3) In the case of public planning that affects the interests of children and adolescents, the state and municipalities shall publicly explain in an appropriate manner how they take these interests into account.

B. Children and Youth Advisory Council

Art. 89

Duties

- 1) The Children and Youth Advisory Council represents the interests of children and adolescents at the state level. The government must consult with it on matters affecting children and adolescents and involve it in political decisions of statewide significance for children and adolescents.
- 2) The Children and Youth Advisory Council:
 - a) shall hear from children and youth regarding their concerns, as well as from individuals, institutions, and organizations that deal with children's and youth affairs and raise such concerns, and shall address their concerns;
 - b) advocates for the participation of children and young people at the state and municipal levels, and coordinates and supports related projects and initiatives;
 - c) expresses its views on the promotion of children and youth and on other matters of significance to children and youth;
 - d) issues statements on draft laws and ordinances that particularly affect children and young people;

e) may submit motions to the government and the Office of Social Services and make recommendations on child and youth policy.

Art. 90

Cooperation and Public Relations

To fulfill its duties, the Children and Youth Advisory Council cooperates with state authorities, municipalities, and private organizations that carry out tasks in the field of children and youth, and represents its interests in the public sphere.

Art. 91

Election and Composition

1) The Children and Youth Advisory Council is elected by the plenary assembly in accordance with Art. 92 from among its members for a term of two years. The result must be communicated to the government and the Office of Social Services.

2) The Children and Youth Advisory Council consists of a chairperson, a vice-chairperson, and no more than eight additional members. The aim is to achieve a balanced representation of women and men, as well as the representation of at least one young person.

3) The Children and Youth Advisory Council may, in particular, consult the following for its deliberations:

- a) Staff of the Child and Youth Services;
- b) Employees of the School Board;
- c) School social work staff;
- d) the Ombudsman for Children and Youth. Art.

92

Plenary Assembly

1) The plenary assembly consists of voting representatives from:

- a) associations and institutions involved in child and youth work, child and youth organizations, and child and youth welfare institutions;
- b) youth groups and children's and youth divisions of associations and political parties active nationwide;
- c) representative organizations for child and youth participation;
- d) interest groups representing children and youth in the municipalities;
- e) parent associations.

- 2) The bodies listed in paragraph 1 may each send one representative to the plenary assembly. A balanced representation of women and men should be sought.
- 3) The plenary assembly shall be convened by the chairperson of the Children and Youth Advisory Council through a public announcement in a timely manner prior to the expiration of the term of office. The chairperson is responsible for conducting the election to the Children and Youth Advisory Council.
- 4) If the chairperson and their deputy are unable to attend, any other member of the Children and Youth Advisory Council may convene the plenary assembly and conduct the election for the Children and Youth Advisory Council.
- 5) If no member of the Children and Youth Advisory Council convenes the plenary meeting, the Office of Social Services shall ensure its convening and the conduct of the new election.

Art. 93

Rules of Procedure

- 1) The Children and Youth Advisory Council shall adopt its own rules of procedure.
- 2) The rules of procedure must be approved by the plenary assembly and brought to the attention of the government and the Office of Social Services.

Art. 94

Funding and Reporting

- 1) The Children and Youth Advisory Council receives a lump-sum annual state contribution to cover administrative expenses, meeting allowances, and the funding of children and youth participation projects. It has full discretion over the distribution of the total amount.
- 2) Attendance fees may not exceed the amounts specified in the law governing the remuneration of members of the government and commissions, as well as part-time judges and ad hoc judges.
- 3) The Children and Youth Advisory Council submits an annual report on its activities and the use of financial resources, including financial statements, to the government and the Office of Social Services.
- 4) The Office of Social Services may have the accounting records reviewed for compliance.

C. Representatives of the Interests of Children and Youth in the Municipalities

Art. 95

Appointment

- 1) Each municipality shall appoint a suitable representative body for children and youth within its jurisdiction.
- 2) The advocacy groups in the municipalities shall give children and adolescents a voice in their affairs in a manner appropriate to their age.

VI. Ombudsman's Office for Children and Youth

Art. 96

Duties

1) The Liechtenstein Human Rights Association has established an independent, publicly accessible ombudsman's office for children, adolescents, and adults regarding children's and youth affairs, which is headed by an ombudsman. The ombudsman is required to hear the concerns of these individuals and to receive their suggestions and complaints.

2) The ombudsperson:

- a) mediates in cases of disagreement between children, adolescents, or legal guardians on the one hand, and courts, state or municipal authorities, public or private institutions, or organizations involved in the care of children and adolescents on the other;
- b) submits complaints, suggestions, or petitions to courts, state and municipal authorities, and public and private institutions and organizations involved in the care of children and adolescents in the interest of children and adolescents; the Ombudsperson does not have party status in proceedings;
- c) monitors the implementation of the Convention on the Rights of the Child and its Optional Protocols, as well as other international protective provisions for children and adolescents, by the courts and public administration; maintains contact with regional and international monitoring bodies and reports to them; and may conduct its own investigations to fulfill its duties;
- d) issues opinions on draft laws and regulations and on the ratification of international conventions that particularly affect children and adolescents;
- e) conducts public relations activities within the scope of its responsibilities.

Art. 97

Appointment and Removal

1) The Ombudsperson is appointed by the Liechtenstein Human Rights Association; he or she must be personally and professionally qualified to perform the duties set forth in Art. 96. The appointment must be preceded by a public call for applications.

2) Repealed

3) The following persons may not be appointed as Ombudsperson:

- a) Members of the government and their deputies, as well as members of the Landtag and their deputies;
- b) Mayors and members of municipal councils;
- c) judges, judicial officers, and public prosecutors;
- d) State and municipal employees;
- e) Persons employed by a public or private institution or organization involved in the care of children and adolescents.

4) The Ombudsman shall be removed from office prematurely by the Liechtenstein Human Rights Association if significant circumstances arise that render him or her no longer suitable for this office.

Art. 98

Right to Information and Access to Files

The courts, state and municipal authorities, as well as public and private institutions and organizations involved in the care of children and adolescents, shall assist the Ombudsperson in the performance of their duties by providing the necessary information and granting access to files upon request. To this extent, they are released from their duty of official confidentiality or their professional confidentiality obligations. Art. 99 and 100

Repealed

VII. Penal Provisions

Art. 101

Violations of Child and Youth Welfare Regulations

The District Court shall impose a fine of up to 5,000 Swiss francs, or, in the event of inability to pay, a prison sentence of up to one month, on anyone who:

- a) fails to comply with a court order or condition under Art. 24(4);
- b) fails to comply with the reporting obligation under Art. 20(1);

- c) takes a child or adolescent into their household for the purpose of adoption or adopts a child or adolescent abroad without authorization under Art. 35 or 39(4);
- d) violates the insurance obligations under Art. 37;
- e) fails to fulfill the condition under Article 41;
- f) fails to comply with the reporting obligation under Art. 43;
- g) places children or adolescents in care without authorization under Art. 45, para. 1 or 3;
- h) takes a child or adolescent into his or her household without authorization under Art. 49(1) or Art. 52(2);
- i) operates a care or nursing facility without authorization under Art. 53(1) or 56(3);
- k) operates a private child and youth welfare facility without being recognized as such under Art. 58(2).

Art. 102

Violations of Child and Youth Protection Provisions

- 1) The District Court shall impose a fine of up to 5,000 Swiss francs, or, if the fine cannot be collected, a prison sentence of up to one month, on any person who, as a legal guardian or supervisor, fails to ensure compliance with the provisions for the protection of children and young people (Art. 64 para. 3) and grossly or repeatedly violates their duty of supervision or parental responsibility. Penalties against a legal guardian may be waived if counseling is accepted and it is thereby expected that compliance with the provisions for the protection of children and young people pursuant to Art. 64 para. 3 will be ensured in the future.
- 2) The District Court shall impose a fine of up to 5,000 Swiss francs, or, in the event of inability to pay, a prison sentence of up to one month, on any adult who:
 - a) fails to ensure that children and adolescents are excluded from locations that pose a risk to children and adolescents (Art. 66, paras. 1 and 2);
 - b) makes products or services harmful to children and adolescents accessible to children and adolescents (Art. 67(1));
 - c) fails to ensure that children and adolescents do not have access to products and services that are not suitable for their age group (Art. 67 para. 2);

- d) installs vending machines or similar devices containing products harmful to children and adolescents without safety precautions (Art. 67, para. 3);
 - e) fails to ensure that children and adolescents do not participate in the manufacture, distribution, sale, or presentation of products and services harmful to children and adolescents (Art. 67(4));
 - f) makes audiovisual media products or services that are not approved for children and adolescents available (Art. 68, para. 1);
 - g) fails to ensure the minimum age classification or to clearly display it (Art. 68(2));
 - h) sells or passes on alcoholic beverages or tobacco products to children or minors who are not authorized to purchase them (Art. 69(1));
 - i) sells spirits or alcopops at events for children and adolescents (Art. 69(2));
 - k) entices children and adolescents to violate the prohibitions on the sale, transfer, possession, or consumption of alcoholic beverages and tobacco products (Art. 69(5));
 - l) offers fewer than three common non-alcoholic beverages at a lower price than the cheapest alcoholic beverage in the same quantity (Art. 69(6));
 - m) offers alcoholic beverages for sale in a manner that is not clearly distinguishable (Art. 69 para. 7);
 - n) violates the advertising restrictions for alcoholic beverages and tobacco products (Art. 70, paras. 1–3);
 - o) sells or passes on substances intended to numb, stimulate, or intoxicate to children and adolescents (Art. 71, para. 3);
 - p) fails to comply with age verification and information requirements (Art. 73, paras. 1 and 2);
 - q) fails to ensure compliance with the child and youth protection regulations applicable in their area (Art. 73, para. 3);
 - r) conducts test purchases without consulting the Office of Social Services (Art. 75, para. 5).
- 3) The Regional Court shall impose a fine of up to 20,000 Swiss francs, or, if the fine cannot be collected, a prison sentence of up to three months, on anyone who commits the offenses described in paragraph 2 in the course of their trade or business (Section 70 of the Criminal Code).

4) The provisions of the Penal Code and related criminal law statutes apply in addition. Violations of paragraph 2 are not punishable under this article if the underlying acts or omissions are subject to a more severe penalty under the Penal Code.

5) The Public Prosecutor's Office shall report to the Office of Social Services any complaint regarding violations of child and youth protection provisions by adults.

6) The Regional Court shall report every final conviction of a business operator or an employee of a business for violating the provisions on the protection of children and young people to the Office of Economic Affairs, which shall examine whether the business license should be revoked.

7) Anyone who fails to participate in the hearing under Art. 76(2) or fails to comply with the agreements reached therein, or anyone who fails to properly carry out an order under Art. 76(3), shall be fined by the Office of Social Services. The fine is 200 francs for adults and 50 francs for minors.

KJG

VIII. Fees, Data Protection, and Appeals

Art. 103

Fees

A fee may be charged for administrative services provided by the Office of Social Services, in particular for certifications and authentications. The government shall regulate the details by ordinance.

Data Protection

Art. 104

a) Processing of Personal Data

1) The bodies entrusted with the enforcement of this Act may process personal data, including special categories of personal data as well as personal data relating to criminal convictions and offenses, or have such data processed, to the extent necessary to fulfill their duties under this Act, in particular to:

- a) provide child and youth welfare services under this Act and determine the nature, form, and extent of such services;
- b) conduct the necessary examinations and investigations;
- c) regularly review eligibility for benefits and determine cost-sharing and personal contributions;

- d) to assert claims to which the Office of Social Services is entitled;
 - e) to ensure and implement the protection and promotion of children and youth in accordance with this Act;
 - f) to exercise oversight over the implementation of this Act;
 - g) to arrange placements for the out-of-home care and supervision of children and adolescents and to provide the corresponding financial support;
 - h) compile and publish statistics.
- 2) The government may regulate the details by ordinance.

Art. 104a

b) Disclosure of Personal Data by Enforcement Authorities

1) The bodies entrusted with the enforcement of this Act may disclose personal data, including special categories of personal data as well as personal data concerning criminal convictions and offenses, in particular to:

- a) other bodies entrusted with the enforcement of this Act, as well as courts, cantonal and municipal authorities, probation officers, and guardians, to the extent that this is necessary within the framework of cooperation or for the performance of their statutory duties;
- b) to the AHV/IV/FAK institutions and other social insurance providers, to the extent that the data is necessary for the determination, modification, or offsetting of benefits, the clarification of entitlement, or the prevention of unjustified payments;
- c) Care and nursing facilities, caregivers, doctors, other healthcare professionals, as well as other agencies and individuals working in child and youth welfare or child and youth services, to the extent that the data is necessary for the fulfillment of their duties as mandated by law or their service mandate, in particular for the assessment, care, treatment, and counseling of children, adolescents, and young adults, their parents, or other legal guardians;
- d) competent domestic or foreign adoption authorities, to the extent that this is necessary for the conduct of an adoption proceeding.

2) The government may regulate the details by ordinance.

Art. 104b

c) Transfer of Personal Data to Law Enforcement Authorities

1) Courts, state and municipal authorities, the AHV/IV/FAK agencies and other social insurance providers, care and nursing facilities, individuals and organizations working in child and youth welfare or child and youth services, caregivers and nursing staff, prospective adoptive parents, teachers, including those in kindergartens, physicians and other health care professionals, guardians, probation officers, as well as all persons and agencies authorized and obligated to report under Art. 20, shall provide the authorities responsible for enforcing this Act with all personal data necessary for the fulfillment of their assigned tasks, including special categories of personal data as well as data on criminal convictions and offenses.

2) For the purpose of calculating financial contributions and arranging placements for the out-of-home care and supervision of children and adolescents, the tax administration must provide the Office of Social Services or a third party commissioned by it with the necessary personal data.

3) The government may regulate the details by ordinance.

Art. 104c

d) Information Systems

The bodies entrusted with the enforcement of this Act may operate or have operated information systems to fulfill their duties under this Act and for statistical purposes.

Art. 105

Appeals

1) An appeal may be filed with the Government against decisions and orders of the Office of Social Services, with the exception of instructions and conditions pursuant to Art. 24, within 14 days of service.

2) An appeal may be filed with the Administrative Court against decisions and orders of the Government within 14 days of service.

IX. Transitional and Final Provisions

Art. 106

Transitional Provisions

1) The provisions of this Act shall not apply to adoption proceedings pending at the time this Act enters into force.

2) Private institutions that were engaged in child and youth welfare services prior to the entry into force of this Act shall be deemed recognized child and youth welfare institutions. They shall lose their recognition if they do not enter into a service agreement within one year of the entry into force of this Act.

3) Cigarette vending machines for which no safety measures in accordance with Article 67(3) have been implemented within one year of this law taking effect must be removed.

Art. 107

Implementing Regulations

The government shall issue the ordinances necessary for the implementation of this Act, in particular regarding:

- a) financial assistance to low-income legal guardians (Art. 17(d));
- a) the determination of cost-sharing and personal contributions, as well as the duty to provide information (Art. 18(6) and Art. 18a(4));
- b) foster care arrangements for the purpose of adoption and adoptions abroad (Art. 36(3) and Art. 39(5));
- c) the placement of children and adolescents from abroad (Art. 45(4));
- d) private care and foster care arrangements (Art. 52, para. 4);
- e) Care and foster care facilities (Art. 54(3) and Art. 56(4));
- e) the involvement of private institutions (Art. 57(6));
- f) locations posing a risk to children and adolescents (Art. 66(6));
- g) products and services harmful to children and adolescents (Art. 67, para. 6);
- h) the state's support for children and youth (Art. 82, para. 5);
- i) fees for administrative services provided by the Office of Social Services (Art. 103);
- k) data protection (Art. 104 to 104c). Art.

108

Repeal of Previous Legislation

The following are repealed:

- a) Youth Act of December 19, 1979, LGBI. 1980 No. 38;
- b) Act of December 5, 1984, amending the Youth Act, LGBI. 1985 No. 12;

- c) Act of December 16, 1994, amending the Youth Act, LGBl. 1995 No. 21;
- d) Law of April 17, 2002, amending the Youth Act, LGBl. 2002 No. 66;
- e) Law of October 19, 2005, amending the Youth Act, LGBl. 2005 No. 235.

Art. 109

Amendment of Designations

1) In § 1 of the Juvenile Court Act of May 20, 1987, LGBl. 1988 No. 39, the following shall be replaced with the grammatically correct form:

- a) the term "youth welfare" with the term "child and youth welfare";
- b) the term "youth protection" with the term "child and youth protection";
- c) the term "youth care" with the term "child and youth support".

2) In Article 4 of the Social Assistance Act of November 15, 1984, LGBl. 1985 No. 17, the following terms are to be replaced in their grammatically correct forms:

- a) the term "youth assistance" with the term "child and youth assistance";
- b) the term "youth care" with the term "child and youth support".

3) In Article 1, paragraph 3, of the Law of December 13, 2007, on the Protection of Non-Smokers and Advertising for Tobacco Products, LGBl. 2008 No. 27, the term "Youth Act" shall be replaced by the term "Children and Youth Act."

Article 110

Entry into Force

1) This Act shall enter into force on February 1, 2009, subject to the expiration of the referendum period without action and subject to paragraph 2.

2) Art. 46 shall enter into force on the date on which the Convention of May 29, 1993, on the Protection of Children and Cooperation in Respect of Intercountry Adoption enters into force for the Principality of Liechtenstein.

XII. Publication Act

of April 17, 1985

I. General Provisions Art. 1

Principle

Legislative provisions (legal regulations) shall be published in the State Gazette; other provisions and orders, as well as official notices, shall be published in the Official Gazette.

Art. 2

Publisher

The State Law Gazette and the Official Gazette are published by the Government.

II. State Law Gazette

1. Content and

Form Art. 3

Content

The following shall be published in the State Law Gazette:

- a) Legislative resolutions;
- b) Financial resolutions;
- c) Treaties, decisions of international organizations, and legal provisions that are applicable pursuant to international treaties;
- d) administrative agreements;
- e) Decisions of the Constitutional Court pursuant to Art. 19(3) of the Act of November 27, 2003, on the Constitutional Court;
- f) Rules of procedure of the State Parliament, the Government, and the courts;
- g) Regulations;
- h) Administrative regulations, provided they are not addressed exclusively to the agencies of the provincial administration;
- i) Notices, to the extent required by other legal provisions;
- k) Decisions of the Joint EEA Committee pursuant to Article 102(1) of the Agreement of May 2, 1992, on the European Economic Area;
- l) Corrections to announcements pursuant to Article 13b.

Art. 4

Electronic Publication

The State Gazette is published in electronic form. Art. 5

Form

- 1) Each legal provision shall be published in the State Gazette as a separate item.
- 2) Each issue bears the title "Liechtensteinisches Landesgesetzblatt," the year, the sequential number within a calendar year, and the date of publication.
- 3) To the extent that materials accessible to the general public are available regarding the legal provisions published in the Official Gazette, reference may be made to them.

Art. 6

Repealed Art.

7

Authoritative Text

- 1) The electronic version of a legal provision published in the State Gazette and signed in accordance with Art. 9 is exclusively authoritative. If it appears there only with a title and a reference or source, the text to which reference is made is authoritative.
- 2) In the case of international treaties and resolutions of international organizations, the texts designated therein as authentic shall be authoritative.

2. Publication

Art. 8

Principle

The legal provisions to be published in the State Gazette are made available for consultation on the Internet at www.gesetze.li.

Art. 9

Ensuring Authenticity and Integrity

- 1) Documents containing a legal provision to be published must

be in a format that ensures backward compatibility. They must have been generated using a reliable process and be provided with an electronic signature.

2) Once the signature has been created, the documents may no longer be modified, and once they have been made available for access, they may no longer be deleted.

3) Backup copies must be made of every document. One backup copy must be submitted to the State Archives and archived by them.

Art. 10

Official Publication

1) The publication shall contain the full text of the legal provisions.

2) In cases provided for by law, it may be published in a simplified form or, initially, by other means.

Art. 11

Simplified Publication

1) The publication of legal provisions may consist of titles as well as references or sources of reference if they:

a) are applicable in Liechtenstein pursuant to treaties and resolutions of international organizations;

b) are not suitable for publication in full text due to their special nature, in particular if they are of a technical nature and are intended only for experts or must be published in another format.

2) The issuing authority shall expressly order the simplified publication. Art. 12

Extraordinary Publication

1) Legal provisions may initially be published via electronic media, periodicals, or public notices if:

a) it is necessary to dispense with publication in the State Law Gazette to ensure the effectiveness of a legal provision;

b) publication in the State Law Gazette prior to entry into force is not possible due to urgency or other extraordinary circumstances.

2) The issuing authority shall expressly order the extraordinary publication and shall specifically indicate the date of entry into force.

3) The legal provisions shall be published in the State Law Gazette as soon as possible.

Art. 13

Timing

The publication shall be carried out without delay, provided the requirements of Art. 3 are met.

Art. 13a

Access to Legal Provisions

1) Publications in the State Law Gazette must be accessible at all times without proof of identity and free of charge; they may be printed by anyone free of charge.

2) In addition, anyone may obtain the following from the Government Chancellery for a fee determined by the Government by ordinance:

- a) printouts of the legal provisions published in the Provincial Law Gazette;
- b) Certified copies or copies of the legal provisions published in the State Gazette prior to the entry into force of the legislative amendment of April 25, 2012;
- c) prints or copies of the full text of legal provisions published in simplified form in the Provincial Law Gazette (Art. 11).

3) The Government may, by regulation, establish fees and special conditions for the use of legal provisions published in the Provincial Law Gazette by third parties.

Art. 13b

Correction of Publications

1) The Government may correct by publication:

- a) Deviations of a publication from the original of the legal provision to be published (publication errors);
- b) Violations of the internal structure of the State Gazette, particularly with regard to the numbering of individual articles, page numbers, and the date of publication.

2) Correction of errors in the publication is not permitted if such correction would alter the substantive content of the published legal provision.

3. Effectiveness Art. 14

Binding Effect

Unless otherwise specified, a legal provision published in the State Law Gazette takes effect eight days after the issue containing it has been published.

Art. 15

Effects on Individuals

Legal provisions are binding on individuals only if they have been published in accordance with this Act.

4. Systematization and Consolidation of Legal Provisions Art.

15a

Principle

- 1) The legal provisions published in the State Law Gazette are organized by subject matter and made available in consolidated form on the Internet at www.gesetze.li.
- 2) Consolidated legal provisions serve exclusively for informational purposes and have no legal effect.
- 3) The government periodically publishes a systematic register of the consolidated legal provisions in electronic form.
- 4) In all other respects, Art. 13a, paras. 2 and 3, apply *mutatis mutandis*.

III. Official

Gazette Art.

16

Contents

- 1) The Official Gazette is the official publication organ of the Principality of Liechtenstein.
- 2) It contains regulations and general orders as well as official notices, insofar as this is required by law or is in the public interest.

Art. 17

Form

- 1) The Official Gazette is published in electronic form. The notices in the Official Gazette are available for viewing at www.amtsblatt.llv.li.
- 2) Each notice published in the Official Gazette shall be numbered consecutively within a calendar year and shall bear the date of publication.

3) Where appropriate, the notice may be limited to the title and the reference or source. Art. 13a(2)(c) applies *mutatis mutandis*.

4) The government shall determine by ordinance which notices under Art. 16 para. 2 must also be published in print in both national newspapers.

IV. Final Provisions Art.

18

Implementation

1) The Government shall issue the ordinances necessary for the implementation of this Act.

2) The government may delegate the tasks assigned to it under Articles 2 and 15a to an administrative agency for independent execution.

3) The Government shall determine which announcements are to be published in the Official Gazette, unless otherwise required by law (Art. 16, para. 2).

Art. 18a

Official Journal of the European Communities

Repealed

Art. 19

Transitional Provision

Legislation that was not published in the Federal Gazette under the old law must be published within five years of the entry into force of this Act, provided it meets the requirements of the new law.

Art. 20

Repeal of Previous Legislation

Upon the entry into force of this Act, the Ordinance of June 20, 1863, concerning the introduction of a State Law Gazette for the promulgation of laws and ordinances, LGBL 1863 No. 2, is repealed.

Art. 21

Entry into force

1) This Act shall enter into force on the date of its promulgation, subject to the provisions below.

2) Repealed

3) Repealed

XIII. Publication (Swiss legislation)

of October 28, 2025

of the Swiss legal provisions applicable in the Principality of Liechtenstein
pursuant to the Customs Treaty (Annexes I and II)

Pursuant to Articles 4, 7, 9, and 10 of the Agreement of March 29, 1923, between Switzerland and Liechtenstein on the accession of the Principality of Liechtenstein to the Swiss customs territory (ZV), LGBI. 1923 No. 24, and pursuant to the Act of June 20, 1996, on the Publication of Swiss Legal Provisions Applicable in Liechtenstein, LGBI. 1996 No. 122, the Government hereby publishes the Swiss legal provisions applicable within the territory of the Principality of Liechtenstein listed in Annex 1 (Annex I) and Annex 2 (Annex II).

The full text of these Swiss legal provisions is published in the Consolidated Collection of Federal Laws and Ordinances 1848–1947 (BS), the Official Collection of Federal Law (AS), and the Systematic Collection of Federal Law (SR). These collections may be consulted at the National Library and are also available at www.admin.ch (Federal Law), whereby the authoritative version of the Swiss legal provisions applicable in Liechtenstein is governed by this publication.

chKmG

This publication shall enter into force on the day following its publication and replaces the publication of April 1, 2025, LGBI. 2025 No. 252.

Princely Government:

signed *Brigitte Haas*

Head of the Princely Government

[Note: See LR-NR 170.551.631 for a detailed list of the published Swiss legal provisions]

XIV. Victims Assistance Act (OHG)

of June 22, 2007

I. General Provisions Art. 1

Eligible Persons

1) Any person whose physical, psychological, or sexual integrity has been directly affected by a criminal offense (victim) is entitled to support under this law (victim assistance).

2) The victim's spouse, registered partner, children, and parents, as well as other persons who are similarly close to the victim (relatives), are also entitled to victim assistance.

3) Persons who have suffered direct harm to their physical or psychological integrity as a result of providing assistance to victims, whether successful or attempted, are also entitled to victim assistance in the same manner as victims (para. 1). Relatives of such persons are entitled to victim assistance in the same manner as relatives of victims (para. 2).

4) This entitlement exists regardless of whether the perpetrator:

- a) has been identified;
- b) acted culpably;
- c) acted intentionally or negligently. Art. 2

Forms of Victim Assistance

Victim assistance includes:

- a) counseling and urgent assistance;
- b) long-term assistance from the victim assistance office;
- c) Cost-sharing for long-term assistance from third parties;
- d) Compensation for damages;
- e) Legal aid. Art. 3

Geographical Scope

1) Victim assistance is provided if the crime was committed in Liechtenstein.

2) If the criminal offense was committed abroad, the services of the Victim Assistance Office are provided under the special conditions set forth in this Act (Art. 17); compensation is not provided.

Art. 4

Subsidiarity of Victim Assistance

1) Victim assistance benefits are granted definitively only if the offender or another liable person or institution provides no benefits or insufficient benefits.

2) Anyone claiming cost contributions for long-term assistance from third parties or compensation must demonstrate that the requirements under paragraph 1 are met, unless, in view of the special circumstances, it would be unreasonable to expect them to seek assistance from third parties.

Art. 5

Free Services

Counseling, urgent assistance, and long-term assistance provided by the victim support center are free of charge for the victim and their relatives.

Art. 6

Consideration of Income for Other Services

1) Entitlement to cost contributions for long-term assistance from third parties and to compensation for financial losses exists only if the victim's or their relatives' countable income does not exceed four times the income limit specified in Art. 1 para. 1 let. a of the Act on Supplementary Benefits to Old-Age, Survivors', and Disability Insurance (ELG).

2) The eligible person's countable income is calculated in accordance with Art. 2 of the ELG; the decisive factor is the expected income following the criminal offense.

3) Compensation for non-pecuniary damages is paid regardless of the eligible person's income.

Art. 7

Transfer of Claims to the State

1) If the State has provided victim assistance pursuant to this Act, claims for benefits of the same nature to which the victim or his or her relatives are entitled as a result of the criminal offense shall pass from the eligible person to the State to the extent of the benefits provided by the State.

2) These claims take precedence over the remaining claims of the entitled person as well as the recourse claims of third parties.

3) The state may waive its right of recourse against the offender to the extent that doing so would jeopardize the legitimate interests of the victim or their relatives or the offender's reintegration.

Art. 8

Information on Victim Assistance and Reporting

1) The victim shall be informed about:

- a) the address and responsibilities of the victim assistance office;
- b) the possibility of claiming various victim assistance benefits;
- c) the deadline for filing claims for damages.

2) The obligation under paragraph 1 rests in particular with the National Police, the District Court, and the Public Prosecutor's Office.

3) A person residing in Liechtenstein who has been the victim of a criminal offense abroad may contact a Liechtenstein diplomatic mission or a body entrusted with safeguarding Liechtenstein's interests. These bodies shall inform the victim in accordance with paragraph 1.

4) The body that provides information on victim assistance in accordance with the preceding provisions shall report the victim's name and address to the victim assistance office, provided the victim consents thereto.

5) This article applies mutatis mutandis to the victim's relatives.

II. Services Provided by the Victim Assistance Agency

A. Victim

Assistance Office

Art. 9

Establishment and Cooperation

1) A victim assistance office, which is independent in the performance of its duties, has been established within the Office of Justice to implement victim assistance.

2) The Victim Assistance Office collaborates with other assistance agencies in carrying out its duties and coordinates victim assistance services. To this end, service agreements are concluded.

3) It also provides information about the victim assistance services available. Art. 10

Access to Files

- 1) The Victim Assistance Office may inspect files from authorities and courts relating to proceedings in which the victim or their relatives are involved, provided they have given their consent.
- 2) The Victim Support Office may be denied the right to inspect files only to the extent that this would also be permissible under the applicable procedural law with respect to the injured party.

Art. 11

Duty of confidentiality

- 1) Subject to paragraphs 2 and 3, individuals working for the Victim Assistance Office must maintain confidentiality regarding their observations vis-à-vis public authorities and private individuals. The duty of confidentiality remains in effect even after their employment with the Victim Assistance Office has ended.
- 2) The affected person may release the employee from the duty of confidentiality.
- 3) If the physical, psychological, or sexual integrity of a minor victim or another minor is seriously endangered, the Victim Support Center may inform the guardianship authority or file a report with the criminal prosecution authorities. Reporting obligations under other laws remain unaffected.
- 4) Anyone who violates the duty of confidentiality shall, unless the offense is punishable by a more severe penalty under another provision, be punished by the Regional Court with imprisonment for up to six months or a fine of up to 360 daily rates.

OHG

B. Assistance from the Victim Assistance Office and Cost Contributions Art. 12

Counseling

- 1) The Victim Assistance Office advises the victim and their relatives and supports them in exercising their rights.
- 2) It informs the victim and their relatives about victim assistance services and any associated costs, and, if necessary, about the rights

and obligations of victims in criminal, civil, and administrative proceedings, the basic procedures before courts and administrative authorities, and provides assistance in drafting or completing simple applications and submissions. If necessary, it arranges for the accompaniment of victims or their representation by authorized representatives in court (Sections 31a(2) and 34 of the Criminal Procedure Code).

- 3) If the Victim Assistance Office receives a report pursuant to Art. 8(4), it shall contact the

Contact the victim or their relatives. Art. 13

Immediate and Long-Term Assistance

- 1) The victim assistance office provides the victim and their relatives with immediate assistance for the most urgent needs arising as a result of the crime (urgent assistance).
- 2) It provides the victim and their relatives with additional assistance as necessary until the affected person's health has stabilized and until the remaining consequences of the crime have been eliminated or mitigated as far as possible (long-term assistance).
- 3) The Victim Assistance Office may have urgent and long-term assistance provided by third parties.

Art. 14

Scope of Services

- 1) The services include appropriate medical, psychological, social, material, and legal assistance in Liechtenstein and, if necessary, in neighboring countries, which has become necessary as a result of the crime. The Victim Assistance Office provides the victim or their relatives with emergency shelter if needed.
- 2) A person residing abroad who has been the victim of a crime in Liechtenstein is also entitled to contributions toward medical expenses at their place of residence.

Art. 15

Access to the Services of the Victim Assistance Office

- 1) The Victim Assistance Office ensures that the victim and their relatives receive urgent assistance around the clock.
- 2) The services of the Victim Assistance Office may be utilized for an indefinite period.

Art. 16

Cost contributions for long-term assistance from third parties

The costs of long-term assistance from third parties are covered as follows:

- a) in full, if, within the meaning of Art. 6, paras. 1 and 2, the eligible person's countable income does not exceed twice the income limit;

b) proportionally, if, within the meaning of Art. 6, paras. 1 and 2, the eligible person's countable income lies between twice and four times the income limit.

C. Criminal Offense Committed Abroad Art. 17

1) If the criminal offense was committed abroad, the victim and his or her dependents are entitled to assistance under Chapter II, provided that the eligible person was domiciled in Liechtenstein at the time of the offense and at the time the application was filed.

2) Assistance is provided only if the state in which the offense was committed provides no assistance or insufficient assistance.

III. Compensation by the State

Art. 18

Entitlement to compensation

1) The victim and his or her relatives are entitled to compensation in accordance with §§ 1325 et seq. ABGB.

2) The claim under paragraph 1 includes compensation for financial losses as well as compensation for non-pecuniary damages in accordance with the following provisions.

3) In the case of compensation for financial losses, purely material damage as well as damage that may trigger the provision of urgent or long-term assistance under Art. 13 is not taken into account.

4) The right to compensation for non-pecuniary damages is not inheritable.

5) No interest is payable on the damages. Art. 19

Assessment and Limitation of Compensation for Financial Losses

1) Any payments received by the claimant from third parties as compensation for financial loss shall be offset against the damages when calculating the compensation.

2) Compensation for financial loss covers the loss in full, subject to paragraph 3:

a) in full, if, within the meaning of Art. 6, paras. 1 and 2, the eligible person's countable income does not exceed the income limit;

b) proportionally, if, within the meaning of Art. 6, paras. 1 and 2, the eligible income

of the person entitled to benefits lies between one and four times the income limit.

3) Compensation for financial losses shall not exceed 120,000 Swiss

francs. Art. 20

Advance payment for compensation for financial losses

1) If the eligible person requires immediate financial assistance and the consequences of the crime cannot be determined with sufficient certainty in the short term, an advance payment shall be granted based on a preliminary assessment of the financial losses claimed.

2) The entitled person must repay the advance if their claim for damages is denied. If the compensation awarded is less than the advance, they must repay the difference.

3) The obligation to reimburse does not apply to the extent and for as long as this would impair the necessary maintenance (§ 63(1) ZPO) of the entitled person. Three years after the conclusion of the proceedings, the obligation to repay the advance may no longer be imposed.

Art. 21

Assessment and Limitation of Compensation for Non-Pecuniary Damages

1) Compensation for non-pecuniary damages is assessed based on the intensity and duration of the consequences of the criminal offense.

2) Compensation for non-pecuniary damages shall not exceed:

a) 70,000 Swiss francs for the victim;

b) 35,000 Swiss francs for relatives.

3) Benefits received from third parties as compensation for non-pecuniary damages shall be deducted. Art. 22

Reduction or Exclusion of Damages

1) Compensation for the victim may be reduced or excluded if the victim contributed to the occurrence or aggravation of the injury.

2) Compensation for the victim's relatives may be reduced or excluded if they or the victim contributed to the occurrence or aggravation of the injury.

3) Compensation for non-pecuniary damages may be reduced if the entitled person

is domiciled abroad and the amount of compensation would be disproportionate due to the cost of living at the place of residence.

Art. 23

Application Procedure and Jurisdiction

- 1) The application for compensation must be submitted in writing to the Victim Assistance Office or recorded in the minutes. The application must include a statement of reasons. The necessary documents must be attached to it.
- 2) After verifying that the application is complete and, if necessary, requesting additional information, the Victim Assistance Office shall forward the application to the government without delay.
- 3) The government decides on applications for compensation after consulting the Victim Support Office.

Art. 24

Time limits

- 1) The victim and his or her relatives must file claims for damages within five years of the offense; otherwise, the claims are forfeited.
- 2) In the case of offenses under § 58(3)(3) of the Swiss Criminal Code (StGB), the period specified in paragraph 1 shall not begin to run for the victim until they reach the age of majority.
- 3) If the victim or their relatives have asserted civil claims in criminal proceedings before the expiration of the time limits under paragraphs 1 or 2, they may file a claim for damages within one year of a final decision on the civil claims or on the discontinuation of the criminal proceedings.

IV. Legal Aid Art.

25

- 1) Proceedings under this Act are free of fees and costs for the victim and their relatives.
- 2) In court and other administrative proceedings arising from the criminal offense, the victim and their relatives are exempt from fees and costs in accordance with the legal aid provisions of the respective rules of procedure; paragraph 3 remains reserved.
- 3) The victim and their relatives are also entitled to the appointment of a legal representative in administrative court proceedings under paragraph 1, as well as in subsequent criminal and administrative court proceedings under paragraph 2, in accordance with §§ 63 ff. ZPO.

V. Proceedings and Appeals

Proceedings

Unless otherwise provided by this Act, the provisions of the Act on General State Administration shall apply to proceedings under this Act.

Art. 27

Appeals

- 1) An appeal against decisions and orders of the Victim Assistance Office may be filed with the government within 14 days of service.
- 2) An appeal against government decisions may be filed with the Administrative Court within 14 days of service.

VI. Transitional and Final Provisions Art.

28

Evaluation

The Victim Assistance Office maintains statistics on the use of its services and the benefits provided by victim assistance, whereby the data of those affected must be treated confidentially. It submits an annual report to the government on the development of victim assistance and makes recommendations for its improvement.

Art. 29

Adjustment for Inflation; Structure of Cost Contributions and Compensation

- 1) The government shall periodically adjust the maximum amounts under Art. 19(3) and Art. 21(2) to inflation by ordinance.
- 2) It may issue regulations regarding the structure of cost contributions for long-term assistance from third parties and compensation for damages, and in particular may set lump sums or rates for compensation for non-pecuniary damages. In doing so, it may

deviate from the provisions of the ELG in doing so in order to take into account the specific situation of the victim and their relatives.

Art. 30

Transitional Provisions

- 1) Claims for benefits under Art. 5 may also be asserted if the offense was committed before this Act entered into force.
- 2) All other claims under this Act may be asserted only if the offense was committed after its entry into force.

Art. 31

Entry into Force

This Act shall enter into force on April 1, 2008.

XV. Law on the Free Movement of Persons (PFZG)

of November 20, 2009

on the Free Movement of EEA and Swiss Nationals

I. General Provisions

Art. 1

Subject Matter and Purpose

1) This Act regulates the entry, exit, and residence of persons referred to in Art. 2, as well as family reunification.

2) It serves to implement:

a) Directive 2004/38/EC of the European Parliament and of the Council of April 29, 2004, on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No. 1612/68, and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC,

90/364/EEC, 90/365/EEC, and 93/96/EEC ([←EEA→](#) Law Collection: Annex VIII - 3.01 and Annex V - 1.01);

b) the special arrangement on the movement of persons for Liechtenstein pursuant to Annexes VIII (right of establishment) and V (free movement of workers) of the [←EEA→](#)

[←Agreement→](#);

c) of the Framework Agreement of December 3, 2008, between the Principality of Liechtenstein and the Swiss Confederation on cooperation in the areas of visa procedures, entry, and residence, as well as on police cooperation in the border region.

Art. 2

Scope of Application

1) This Act applies to:

a) Nationals of another Member State of the European Economic Area ([←EEA→](#) nationals) or of Switzerland (Swiss nationals);

b) family members of an [←EEA→](#) or Swiss national;

c) de facto partners of an [←EEA→](#) or Swiss national;

d) other dependents of an [←EEA→](#) national.

2) For family members, de facto partners, and other dependents of Liechtenstein nationals, the provisions for family members apply,

de facto partners and other eligible persons of [←EEA→](#) nationals, mutatis mutandis.

Art. 3

Definitions

The terms used in this Act to designate persons and functions shall be understood to include both males and females.

Art. 4

Definitions

1) For the purposes of this Act, the following terms shall have the following meanings:

- a) "Employed persons": persons who are engaged in salaried or self-employed work in Liechtenstein;
- b) "Cross-border commuters": persons who are engaged in salaried or self-employed work in Liechtenstein and return daily to their place of residence outside Liechtenstein;
- c) "Cross-border service providers": Persons with their registered office or residence in [the ←EEA→](#) or in Switzerland who perform temporary self-employed work in Liechtenstein, as well as their duly employed workers;
- d) "family members":
 - 1. the spouse or registered partner;
 - 2. the relatives of the person entitled to residence and his or her spouse or registered partner in the direct descending line (including children under guardianship) who are under 21 years of age or who can be shown to be receiving support;
 - 3. the relatives of the holder of a residence permit and his or her spouse or registered partner in the direct ascending line who can provide evidence of receiving support;
- e) "Third-country nationals": persons who are neither [←EEA→](#) nationals nor Swiss nationals nor Liechtenstein nationals;
- f) "Students": persons who are pursuing general education or vocational training at a recognized educational institution in Liechtenstein;

g) "Other eligible persons": a family member of an [←EEA→](#) national with a residence or permanent residence permit who does not fall under subparagraph (d), provided that:

1. , the in Liechtenstein , has provided financial support to the [←EEA→](#) national entitled to residence or permanent residence in the country of origin;
 2. he or she lived in a domestic partnership with the [←EEA→](#) national entitled to residence or permanent residence in Liechtenstein in the country of origin; or
 3. he has serious health reasons that make personal care by the [←EEA→](#) national entitled to residence or permanent residence in Liechtenstein absolutely necessary.
- 2) The Government may issue an ordinance to further specify the terms referred to in paragraph 1 and to define additional terms.

Art. 4a

Relationship to the Asylum Procedure

- 1) Persons residing in Liechtenstein under the Asylum Act, or those who have been denied asylum and are therefore required to leave the country, may not apply for a permit under this Act. They may submit applications for a permit under this Act only after the asylum proceedings have been concluded and they have duly departed the country.
- 2) Any pending procedures for the issuance of a short-term residence permit or a residence permit become moot upon the submission of an asylum application.
- 3) Residence permits that have already been granted remain valid and may be extended in accordance with the provisions of immigration law.

II. Principle of Integration

Art. 5

Integration

- 1) The goal of integration is the coexistence of the Liechtenstein and foreign populations on the basis of the values of the Constitution and mutual respect and tolerance.
- 2) Integration shall enable foreign nationals residing in Liechtenstein lawfully and on a long-term basis to participate in the economic, social, and cultural life of society.

- 3) Integration requires both the willingness and effort of foreign nationals to integrate into society and the openness of the Liechtenstein population.
- 4) Foreign nationals are required to familiarize themselves with social conditions and living standards in Liechtenstein and, in particular, to learn the German language, both spoken and written.
- 5) In all other respects, Articles 40 and 43 through 46 of the Foreign Nationals Act (AuG) apply *mutatis mutandis* to integration.

III. Entry and Exit

Art. 6

Right of Entry

- 1) Foreign nationals have the right to enter Liechtenstein if they:
 - a) hold a valid travel document;
 - b) do not pose a threat to public safety, public order, or public health; and
 - c) are not subject to an entry ban.
- 2) Family members who are third-country nationals also require a visa in accordance with the provisions of the Schengen acquis applicable to Liechtenstein. Possession of a valid residence permit from another [←EEA→](#) member state or Switzerland exempts the holder from the visa requirement.
- 3) Foreign nationals who wish to take up residence in Liechtenstein and are not subject to a visa requirement need a confirmation of a short-stay, residence, settlement, or permanent residence permit to enter the country.
- 4) The government shall prescribe the details by regulation. Art. 7

Registration and Deregistration

- 1) Foreign nationals whose residence is subject to authorization pursuant to Art. 8 must register with the competent residents' registration office within eight days of entry. Cross-border service providers are exempt from this requirement.
- 2) Upon registration, the person must present proof of authorization and a valid travel document. The residents' registration office shall immediately issue a confirmation of registration to the person moving in.

3) Persons referred to in paragraph 1 must also report the following to the competent residents' registration office within eight days:

- a) a change of address within the municipality of residence; or
- b) a change of residence to another municipality within the country.

4) Persons under paragraph 1 who relocate their residence abroad must deregister with the competent Residents' Registration Office no later than eight days before departure and surrender their residence permit.

4a) Persons with the right to permanent residence are not required to surrender their residence permit.

5) The government shall regulate the details by ordinance.

IV. Residence

A. Residence Requiring a Permit

1. In general

Art. 8

Requirement for a Residence Permit

1) A residence permit in Liechtenstein is required for anyone who:

- a) intends to engage in gainful employment regardless of the length of stay; or
- b) intends to stay for more than three months within a six-month period without engaging in gainful employment.

2) This is subject to the requirement for authorization for the cross-border provision of services pursuant to Art. 31.

Art. 9

Types of Permits

1) The following permits may be issued:

- a) Permit in letter form (BiB);
- b) Short-term residence permit (L);
- c) Residence permit (B);
- d) Long-term residence permit (D);
- e) Settlement permit (C).

2) This is without prejudice to permits for the cross-border provision of services pursuant to Art. 31.

Art. 10

Quotas

The Government may set maximum quotas for permits, taking into account the special solution for the movement of persons in Liechtenstein and the provisions of the treaty with Switzerland.

Art. 11

Wage and working conditions

Permits may only be issued if the employee is hired for the position in question under wages and working conditions that are customary for the locality and profession and commensurate with the labor market situation.

Art. 12

Temporary Employment

A temporary staffing agency (employer) licensed under the Employment Services Act may only supply the following employees within the country:

- a) Persons holding a residence permit, settlement permit, or permanent residence permit;
- b) Cross-border commuters with ←EEA→ or Swiss citizenship. Art.

13

Residence Permit

1) Foreign nationals who take up residence in Liechtenstein receive a residence permit upon approval.

2) Family members from third countries of ←EEA→ nationals and Swiss nationals who are entitled to reside in Liechtenstein receive a residence permit in accordance with Art. 31 AuG.

3) The Government shall regulate the details, in particular the period of validity of residence permits, the data to be recorded, and data security, by ordinance.

3a) If a valid residence permit is lost, a report must be filed with the cantonal police. Unless the loss of the residence permit is related to a criminal offense, the loss may also be reported directly to the Office of Foreigners and Passports. A new residence permit will only be issued once the Office of Foreigners and Passports has received a report of the loss.

2. Permits

Art. 14

Permit in Letter Form

1) A permit in letter form may be issued for the purpose of performing daily or weekly salaried employment for a total period of presence not exceeding 180 days within a twelve-month validity period.

2) If an employee has already been granted a short-stay permit under Art. 15, a permit in letter form may only be issued if at least six months have elapsed since the expiration of the short-stay permit's validity period and the employee's lawful departure.

3) The permit provides information about the employer.

Short-term residence permit

Art. 15

a) Employed Persons

1) A short-stay permit for the purpose of gainful employment may be issued for temporary and consecutive stays totaling up to one year.

2) It can only be granted if:

a) the foreign national:

1. proves that they have an employment contract of no more than one year and an appropriate level of employment; or

2. meets the professional and economic requirements for the intended self-employed activity associated with taking up residence; and

b) cross-border commuting is not reasonable.

3) It may be extended once for a maximum of six months upon proof of exceptional need.

4) Upon expiration of the short-stay permit, departure must take place regardless of any claims under unemployment insurance or pending proceedings.

5) The short-stay permit may only be reissued after an interruption of at least six months following proper deregistration and departure.

Art. 16

b) Special Cases of Gainful Employment

1) A short-stay permit for the purpose of gainful employment may be granted for an internship that is part of a training program for up to 24

months. This is subject to the condition that the internship lasts longer than twelve months.

2) Apprentices may be granted a short-term residence permit for the duration of their basic vocational training.

3) Art. 15, paras. 4 and 5 apply *mutatis mutandis*.

Art. 17

c) Students

1) A short-term residence permit may be granted to students for the duration of a semester or an academic year if:

a) the educational institution or the competent authority confirms in writing that the student may commence or continue their studies;

b) the necessary financial resources for living expenses and studies are available, so that social assistance does not need to be sought; and

c) proof of comprehensive health insurance coverage that covers all risks in Liechtenstein is provided.

2) The primary purpose of the stay in Liechtenstein must be to pursue studies.

3) The short-term residence permit will no longer be granted if the standard duration of study as specified in the educational institution's curriculum is significantly exceeded and there are no objective reasons for this.

4) Upon discontinuation or completion of studies, the short-term residence permit expires and the student must leave the country.

5) The Government shall regulate the details by ordinance.

Art. 18

d) Tourists and Recipients of Services

1) Tourists and service recipients who are present in Liechtenstein for more than three months within a six-month period may be granted a short-stay permit for a total of up to one year.

2) A short-stay permit may only be granted if:

a) the necessary financial means for subsistence are available, so that no social assistance needs to be claimed; and

b) proof is provided of comprehensive health insurance coverage that covers all risks in Liechtenstein.

3) Art. 15(4) applies *mutatis mutandis*.

Art. 19

a) General Principle

- 1) The residence permit entitles the holder to a stay of up to five years, provided that the intended stay lasts longer than one year.
- 2) There is a right to be granted a residence permit under the special arrangement on the movement of persons for Liechtenstein, in accordance with Annexes VIII (right of establishment) and V (free movement of workers) of the ←EEA→ [←Agreement→](#) as well as the provisions of the treaty with Switzerland.
- 3) An extension of the residence permit is possible if there are no grounds for revocation or expulsion.

Art. 20

b) Employed Persons

- 1) A residence permit for the purpose of gainful employment may be granted if:
 - a) the foreign national:
 1. can demonstrate a work contract of more than one year or an indefinite-term contract and an appropriate level of employment; or
 2. meets the professional and economic requirements for the intended self-employed activity associated with taking up residence; and
 - b) cross-border employment is not a reasonable option.
- 2) After three years of gainful employment and uninterrupted residence in Liechtenstein, gainful employment may be taken up in another ←EEA→ member state or in Switzerland, provided that residence in Liechtenstein is maintained and the person generally returns there every day or at least once a week.
- 3) For important reasons, an exception may be made to the three-year period specified in paragraph 2. The Government shall regulate the details by ordinance.

Art. 21

c) Replacement Position

- 1) If a position in a company is held by a person with a temporary residence permit, a permanent residence permit, or a settlement permit, and this position becomes vacant as a result of the person's departure abroad, retirement, or death, a residence permit may be granted

a residence permit be granted to a person subject to authorization to fill this position (replacement position). The replacement position is subject to authorization.

2) The application for authorization of a replacement position must be submitted within six months of the previous incumbent's deregistration, retirement, or death. If no application is submitted within this period, the number of authorizations to be granted increases during the authorization process or the lottery, depending on the procedure under which the original authorization was granted.

3) The previous holder of the position may train the new employee for a period of one month, provided this is approved upon request.

4) A replacement appointment due to a temporary stay abroad by the previous holder of the position requiring authorization, who has been granted permission to retain the position, is not permitted.

Art. 22

d) Non-working persons

1) A residence permit without gainful employment may only be granted if:

a) revoked

b) the necessary financial means for living expenses are available, so that no social assistance is required; and

c) proof of comprehensive health insurance coverage that covers all risks in Liechtenstein is provided.

2) Proof of sufficient financial means may be reviewed after two years.

Art. 23

e) Retention of the residence permit

1) A residence permit may be retained upon request for a temporary stay abroad:

a) to complete an educational program abroad (studies, language study, vocational training);

b) for other important reasons.

2) Retention pursuant to paragraph 1 may be granted for a period of one year at a time. Retention pursuant to paragraph 1(b) may not exceed a total duration of two years.

3) Foreign nationals who are required to perform military or alternative service shall have their residence permit retained for the duration of the military or alternative service actually to be performed.

4) The application for the granting or extension of the retention must be submitted no later than two weeks before the start of the stay abroad or before the expiration of the approved retention.

5) The government shall regulate the details by ordinance.

Permanent Residence Permit

Art. 24

a) *Principle*

1) Subject to Articles 43 and 46, EEA nationals have a right to permanent residence in Liechtenstein if:

a) they have resided in Liechtenstein continuously for five years; and

b) there are no grounds for revocation or expulsion.

2) If the requirements under paragraph 1 are met, ←EEA→ nationals shall be granted a permanent residence permit upon application. The permanent residence permit may not be subject to conditions.

2a) The Office of Foreigners and Passports may verify the holder's actual presence in the country at any time.

3) The residence permit must be submitted for renewal two weeks before its expiration date.

4) The granting of a permanent residence permit to students is governed by the conditions of the special agreement on the movement of persons for Liechtenstein.

5) Temporary stays abroad pursuant to Art. 23 shall be credited for a maximum duration of one year. The completion of military or alternative service shall be credited in full.

6) The government shall regulate the details by ordinance.

Art. 25

b) *Special Cases*

1) ←EEA→ nationals holding a residence permit to engage in gainful employment in Liechtenstein are entitled to a permanent residence permit before the expiration of the period specified in Art. 24(1) if they:

a) at the time they cease employment, have reached the age required under Liechtenstein law to claim an old-age pension, or have terminated their employment under an

early retirement scheme, and have been gainfully employed in Liechtenstein for the past twelve months and have resided in Liechtenstein continuously for at least three years with a valid residence permit;

b) have ceased employment due to permanent incapacity to work and have resided in Liechtenstein continuously for at least the last two years;

c) have become permanently unable to work due to a work-related accident or occupational disease and are therefore entitled to a pension from a Liechtenstein insurance provider; or

d) after three years of uninterrupted gainful employment and uninterrupted residence in Liechtenstein, are engaged in salaried or self-employed work in another ←EEA→ member state, but maintain their residence in Liechtenstein and, as a rule, return there every day or at least once a week.

2) In addition, ←EEA→ nationals whose spouse or registered partner holds Liechtenstein citizenship or has lost it through marriage or the registration of a partnership with the employed person have a right to remain after the termination of gainful employment pursuant to paragraph 1(a) and (b), regardless of the duration of their residence and gainful employment.

3) Interruptions in gainful employment due to illness or accident, periods of involuntary unemployment confirmed by the Office of Economic Affairs, and involuntary interruptions in employment for self-employed persons are considered periods of employment.

4) For the purpose of acquiring permanent residence under paragraph 1(a) and (b), periods of employment completed in another ←EEA→ member state or in Switzerland shall be deemed to have been completed in Liechtenstein.

Art. 26

c) Reissuance and Retention of the Permanent Residence Permit

1) Foreign nationals may, upon application, be reissued a permanent residence permit without a prior residence permit if they:

a) have already held a permanent residence permit for at least ten years;

b) have not resided abroad for more than three years since losing their permanent residence permit;

c) can prove that they have remained closely connected to Liechtenstein; and
d) demonstrate that they are in a stable, income-generating employment relationship or have sufficient financial resources to cover their living expenses, so that they do not need to rely on social assistance.

2) Upon request, a permanent residence permit may be granted for the duration of an educational program (academic studies, language study abroad, vocational training) abroad. Such stays do not count toward the time limit specified in paragraph 1(a).

Settlement Permit

Art. 27

a) General Principle

1) Subject to Articles 43 and 47, Swiss nationals shall be granted a settlement permit upon application if:

a) they have resided in Liechtenstein continuously for five years with a residence permit; and

b) there are no grounds for revocation or expulsion.

2) The permanent residence permit is valid indefinitely. It may not be subject to conditions.

3) The review period for verifying actual presence in the country is five years. The residence permit must be submitted for renewal two weeks before the review period expires.

4) Art. 25 applies *mutatis mutandis* to Swiss nationals.

5) Temporary stays abroad pursuant to Art. 23 shall be credited for a maximum duration of one year. The completion of military or alternative service shall be credited in full.

Art. 28

b) Reissuance and Retention of the Settlement Permit

1) Foreign nationals may be reissued a permanent residence permit upon application without a prior residence permit if they:

a) have already held a permanent residence permit for at least ten years;

b) have not resided abroad for more than five years;

c) can prove that they have maintained close ties to Liechtenstein; and

d) can demonstrate that they are in a permanent and financially secure employment relationship or have sufficient financial resources so that they do not need to rely on social assistance.

2) Article 23 applies mutatis mutandis to the retention of the settlement permit. Temporary stays abroad do not count toward the period specified in paragraph 1(a).

B. Cross-border provision of services and cross-border commuting

1. In general

Art. 29

Principle

Article 12 applies mutatis mutandis to the cross-border provision of services, and Articles 11, 12, and 13 apply mutatis mutandis to cross-border commuter activities.

2. Cross-border provision of services

Art. 30

Obligation to register

1) The provision of cross-border services must be reported starting on the ninth day, even if it is provided free of charge.

2) The provision of services subject to reporting is generally limited to a maximum of 90 days within a calendar year.

3) A right of residence in Liechtenstein applies for the duration of the service provision.

4) The notification must be submitted no later than the ninth day of service provision. Swiss nationals may begin work no earlier than eight days after receipt of the notification. In emergencies, for repairs, in the event of accidents, or under other unforeseeable circumstances, work may begin on the day of notification.

5) For the duration of the service provision, the person required to register is issued a GDL registration confirmation. An extension is possible.

Art. 31

Requirement for Authorization

1) The cross-border provision of services lasting more than 90 days is subject to authorization, subject to paragraph 2.

2) For [←EEA→](#) nationals who return to their habitual residence daily, the provision of services is subject only to a reporting requirement.

- 3) The application for authorization must be submitted at least four weeks before the expiration of the ninety-day period.
- 4) A GDL permit is issued for the duration of the service provision.
- 5) An extension of the permit is possible.
- 6) Swiss nationals may begin work no earlier than after the permit has been issued.

3. Cross-border employment

Art. 32

Reporting requirement

The cross-border employment of [←EEA→](#) nationals is subject to a reporting requirement. In the case of salaried employment, the report must be filed by the employer.

Art. 33

Procedure

- 1) The cross-border employment must be reported within ten days of the commencement of business activities or the start of the employment relationship.
- 2) For the duration of the cross-border employment, the person subject to the reporting requirement is issued a Cross-Border Employment Confirmation (GMB).
- 3) The cross-border worker registration confirmation becomes invalid when the business activity or employment relationship ends. Invalid cross-border worker registration confirmations must be returned immediately to the Office of Foreigners and Passports.

V. Authorization Procedure

A. Standard Authorization Procedure

Art. 34

Applications for Permits

- 1) Applications for the issuance or renewal of a permit under this law must be submitted to the Office of Immigration and Passports.
- 2) Decisions on complete applications are generally made:
 - a) within two weeks of receipt for applications for a permit in written form, a short-term residence permit, or a long-term residence permit;
 - b) within four weeks of receipt for all other applications.

3) Incomplete, illegible, or unsigned applications are returned to the applicant with a one-time deadline of 30 days to complete them. If the deadline expires without action, the application is deemed withdrawn.

3a) In cases where the factual and legal circumstances are the same, further identical applications shall be informally rejected with reference to the previously decided case.

4) The government shall prescribe the details by regulation. Art. 35

Collective Applications

1) The government processes and decides on applications under Articles 20 and 22 on the basis of consolidated applications.

2) Prior to consideration and decision by the government, the Office of Foreigners and Passports reviews all applications for completeness and to ensure that the relevant requirements for approval are met.

Art. 36

Equal Treatment and Competitive Neutrality

Residence permits are granted in accordance with the principle of equal treatment of all relevant market participants and competitive neutrality.

B. Lottery procedure

Art. 37

Principle

1) Notwithstanding the regular authorization procedures, residence permits are also granted to ←EEA→ nationals through a lottery procedure.

2) The lottery is conducted in a two-stage process (preliminary and final lottery).

3) The right to a residence permit obtained through a lottery is strictly personal and non-transferable. It expires if it is not exercised within six months of receiving the notification.

Art. 38

Eligibility Requirements and Grounds for Exclusion

1) The requirements for participation in a preliminary lottery are:

a) ←EEA→ citizenship;

b) timely submission of fully completed application forms;

c) no multiple applications; and

d) timely payment of the fee.

2) Eligibility for the final lottery is granted to those who:

a) in the case of residence permits for the purpose of gainful employment, meet the requirements under Art. 20(1)(a);

b) for residence permits without gainful employment, meet the requirements under Art. 22(1).

3) Grounds for exclusion from the final lottery are:

a) Providing false information;

b) Existence of an entry ban;

c) a threat to public safety and order as well as public health.

4) If the eligibility requirements are not met or grounds for exclusion exist, a summary decision with reasons shall be issued based on the case file.

Art. 39

Conduct of the Lottery

1) At least one lottery shall be held per calendar year.

2) The Office of Foreigners and Passports conducts lotteries under the supervision of a district judge.

3) The government shall prescribe the details regarding the conduct of the lottery by regulation, in particular:

a) the number of annual lotteries;

b) the quotas (number of permits to be issued);

c) the deadlines for submitting applications.

VI. Family Reunification

A. Family members

1. In general

Art. 40

Principle

The purpose of family reunification is to bring family members together so that they may take up residence together.

Art. 41

Requirements

- 1) Foreign nationals with a residence permit may at any time bring their family members to join them if the following evidence is provided:
 - a) an official certificate confirming the family relationship, custody rights, or the provision of support pursuant to Art. 4(1)(d)(2) and (3);
 - b) copies of the valid travel documents of the family members joining them;
 - c) repealed
 - d) in the cases under Art. 17, 18, and 22, proof of sufficient financial means to support all family members so that social assistance is not required; and
 - e) proof of comprehensive health insurance coverage that covers all risks in Liechtenstein.
- 2) Students may only bring their spouses and children for whom they can provide proof of financial support.
- 3) The Office of Foreigners and Passports may require original documentation proving the family relationship.

Art. 42

Gainful Employment of Family Members

Family members who have joined the applicant may engage in gainful employment. Art. 43

Marriage of Convenience

The issuance of a permit under family reunification shall be denied, or a permit already issued shall be revoked, if it is proven or if there is at least sufficient evidence to conclude that:

- a) the marriage was entered into or continued, at least on the part of one of the spouses, primarily with the intention of circumventing the provisions of this Act and the implementing regulations; or
- b) one of the spouses was coerced into entering the marriage.

2. Permits

Art. 44

General Principle

- 1) Family members of persons who either have a right to permanent residence in Liechtenstein or hold a settlement permit

shall, subject to Art. 45, receive a residence permit valid for five years.

2) Family members of persons who hold a short-term residence permit or a residence permit shall receive a permit with the same period of validity as the person from whom they derive their right.

Art. 45

Special Cases

1) Family members of an [←EEA→](#) national who have resided in Liechtenstein for five consecutive years shall be granted a permanent residence permit. Art. 24 applies mutatis mutandis.

2) Family members of a Swiss national who have resided in Liechtenstein for five consecutive years with a residence permit shall be granted a settlement permit. Art. 27 applies mutatis mutandis.

3) Family members of persons who have been granted a long-term residence permit or a settlement permit under Article 25 or Article 27(4) shall be granted a long-term residence permit or a settlement permit.

4) If a person dies before acquiring the right to a permanent residence permit or settlement permit under Art. 25 or 27(4), their family members who were lawfully residing with them at the time of their death shall receive a permanent residence permit or settlement permit if:

a) the deceased resided in Liechtenstein continuously during the two years prior to their death;

b) the death resulted from a work-related accident or occupational disease; or

c) the surviving spouse of the deceased lost Liechtenstein citizenship through marriage to the deceased.

5) A temporary stay abroad for up to a total of six months per year, as well as absence for the purpose of performing verifiable military or alternative service, does not constitute an interruption of residence within the meaning of paragraphs 1, 2, and 4(a).

6) The right under paragraph 4 expires if the family member does not exercise it within two years of its arising. It is not affected if the entitled person leaves Liechtenstein during this period.

3. Right of Residence in the Event of Death, Relocation, or Dissolution of the Marital Union

Art. 46

Family members with [←EEA→](#) nationality

1) Family members who are [←EEA→](#) nationals retain their right of residence in the event of the death or departure of the foreign national from whom they derive their right of residence, as well as in the event of the dissolution of the marriage, provided that they:

a) are gainfully employed in Switzerland and meet the requirements under Art. 20(1)(a); or

b) meet the requirements under Art. 22.

2) The children and the parent who actually exercises parental custody over the children retain their right of residence even after the death or departure of the foreign national from whom they derive their right of residence, until the children complete their education, provided the children are residing in Liechtenstein and attending an educational institution in the country.

3) Persons who continue to reside in Liechtenstein pursuant to paragraph 2 do not thereby acquire a right to a permanent residence permit under Art. 45(4).

4) The provisions of this article do not apply to family members of persons holding a short-term residence permit.

Art. 47

Family members who are Swiss nationals or nationals of third countries

1) Family members with Swiss citizenship retain their right of residence upon the death of the foreign national from whom they derive their right of residence if they have resided in Liechtenstein for at least one year without interruption prior to the death and:

a) are engaged in gainful employment in Liechtenstein and meet the requirements under Art. 20(1)(a); or

b) meet the requirements under Art. 22.

2) Spouses with Swiss citizenship retain their right of residence upon dissolution of the marriage if they meet the requirements under para. 1(a) or (b) and:

a) the marriage has lasted at least three years prior to the initiation of legal separation or divorce proceedings, including at least one year in Liechtenstein;

b) parental custody of the children has been transferred to the spouse by agreement or by court order;

c) it is necessary to avoid particular hardship, in particular because the spouse could not reasonably be expected to remain in the marriage due to spousal abuse; or

d) the spouse has been granted the right to personal contact with the minor child by agreement or by court order, provided that the court has determined that such contact may take place exclusively in Liechtenstein.

3) Family members who are third-country nationals have a right of residence in accordance with the provisions of the Foreign Nationals Act upon the death of the foreign national from whom they derive their right of residence, or upon the dissolution of the marriage, provided they meet the relevant requirements under paragraphs 1 or 2 and enter into an integration agreement.

4) Art. 46, paras. 2–4, applies *mutatis mutandis* to family members who are Swiss nationals or third-country nationals.

4. Registered Partnership

Art. 47a

Art. 40 through 47 apply *mutatis mutandis* to registered partnerships.

B. De facto cohabitation

Art. 48

General Principle

1) De facto partners of persons holding a residence permit, a long-term residence permit, or a settlement permit may be granted a residence permit for the purpose of establishing a common residence if it is proven that:

a) a duly certified long-term relationship exists;

b) both partners are single, divorced, widowed, or in a dissolved registered partnership and are over 21 years of age;

c) the partner already residing in Liechtenstein has resided in Liechtenstein for a total of at least five years;

d) Repealed

e) the necessary financial resources are available to support both partners and their children, so that they do not need to rely on social assistance; and

f) Repealed

- 1a) If the de facto partner moves to Liechtenstein at the same time as the person entitled to residence, paragraph 1(c) shall not apply.
- 2) There is no entitlement to a residence permit.
- 3) Family reunification under Art. 40 et seq. cannot be claimed for children of partners who have joined the residence permit holder from previous marriages or partnerships.
- 4) Articles 43, 44, and 45(1), (2), and (5) apply mutatis mutandis to abusive partnerships and residence permits for partners.
- 5) The government shall regulate the details by ordinance. Art. 49

Gainful Employment

The right of the reunited life partner to take up gainful employment is governed by Art. 42.

Art. 49a

Right to Remain in the Event of Death

1) Partners with ←EEA→ or Swiss citizenship retain their right of residence upon the death of the foreign national from whom they derive their right of residence if they have resided in Liechtenstein for at least one year without interruption prior to the death and:

- a) are engaged in gainful employment in Liechtenstein and meet the requirements under Art. 20(1)(a); or
- b) meet the requirements under Art. 22.

2) Partners who are third-country nationals have a right of residence upon the death of the foreign national from whom they derive their right of residence, in accordance with the provisions of the Foreign Nationals Act, if they:

- a) meet the relevant requirements under paragraph 1; and
- b) enter into an integration agreement. Art.

49b

Consequences of Moving Away

Life partners lose their right of residence if the foreign national from whom they derive their right of residence moves away, provided that the move occurs within five years of the permit being granted.

Art. 50

Consequences of the dissolution of the de facto partnership

1) If the partnership is terminated by one partner before five years have elapsed since the permit was granted, the residence permit of the accompanying person must be revoked. At the latest, the de facto termination of the household is considered a termination of the partnership.

2) Revocation may be waived if the revocation would significantly jeopardize the welfare of any children of the couple.

3) If a partner already residing in Liechtenstein provided false information or withheld material information during the authorization process, a ban on family reunification for future partners may be imposed for a maximum period of five years.

C. Other Eligible Persons

Art. 50a

General Principle

1) A permit to take up joint residence may be granted to other eligible persons if the following evidence is provided:

- a) an official certificate confirming the family relationship;
- b) copies of the valid travel documents of the additional eligible persons moving to Switzerland;
- c) proof of sufficient financial means to support all family members and the additional eligible persons in the cases specified in Articles 17, 18, 20, and 22, so that no social assistance is required; and
- d) proof of comprehensive health insurance coverage that covers all risks in Liechtenstein.

2) In addition to the evidence required under paragraph 1, the following must be provided:

- a) in the cases referred to in Article 4(1)(g)(1), a document issued by the competent authority of the country of origin or provenance certifying that the additional beneficiary receives support from the ←EEA→ national who is entitled to residence or permanent residence in Liechtenstein;
- b) in cases under Art. 4(1)(g)(2), a document issued by the competent authority of the country of origin or provenance showing that the additional beneficiary has lived in a domestic partnership with the ←EEA→ national who is entitled to residence or permanent residence in Liechtenstein; or

c) in the cases referred to in Art. 4 para. 1 let. g no. 3, proof that there are serious health reasons that make it absolutely necessary for the ←EEA→ national with a residence or permanent residence permit in Liechtenstein to personally care for the additional beneficiary.

3) The Office of Foreigners and Passports may require original documentation of the family relationship.

4) There is no entitlement to the issuance of a residence permit.

5) Family reunification under Art. 40 et seq. cannot be claimed for spouses or registered partners, nor for children of other eligible persons.

6) Articles 43, 44, and 45(1), (3), and (5) apply mutatis mutandis to abusive family reunification and the authorization for other eligible persons.

7) The government shall regulate the details by ordinance. Art. 50b

Gainful Employment

The right of the additional eligible person who has joined the family to take up gainful employment is governed by Art. 42.

Art. 50c

Consequences of Death, Relocation, or Dissolution of the Marital Union or Registered Partnership

1) Other eligible persons lose their right of residence upon the death, departure, or dissolution of the marital union or registered partnership of the foreign national from whom they derive their right of residence, if the death, departure, or dissolution of the marital union or registered partnership occurs within five years of the grant of the permit.

2) The loss of the right of residence may be waived for other beneficiaries under Art. 4(1)(g)(3) in the event of the death or dissolution of the marital union or registered partnership of the foreign national from whom they derive their right of residence if:

a) serious health reasons continue to require the personal care of the additional beneficiary; and

b) a return to the country of origin or provenance is not reasonable.

VII. Termination of Residence

A. Expiration of permits

Grounds for Expiration

1) A permit expires:

- a) upon personal deregistration to move abroad;
- b) upon expiration of the permit's validity period, unless a request for renewal has been submitted in a timely manner;
- c) due to withdrawal or termination of studies (Art. 17, para. 4); or
- d) expulsion pursuant to Art. 54.

1a) Paragraph 1, letters a and b, do not apply to persons with a right of permanent residence.

2) In addition, the permit expires in the event of a stay abroad:

- a) for more than six months in the case of a residence or settlement permit, unless retention has been granted; or
- b) for more than two years in the case of a permanent residence permit.

3) The periods specified in paragraph 2 are not interrupted by stays in Switzerland for business or visit purposes.

B. Revocation of Permits

Art. 52

Grounds for revocation

1) A short-term residence permit or residence permit may be revoked if:

- a) false information was provided or material facts were concealed during the authorization procedure;
- b) the conditions for granting the permit are no longer met;
- c) public safety and order are endangered; or
- d) the employee has not been in an employment relationship for six consecutive months due to unemployment and has no prospect of finding new employment, regardless of any entitlement to unemployment insurance benefits.

2) Termination pursuant to paragraph 1(d) is not permitted if:

- a) the employee or self-employed person is temporarily unable to work due to illness or an accident;
- b) the employee, having been duly certified as involuntarily unemployed after more than one year of employment, registers with the competent employment agency; or

c) the employee or self-employed person begins vocational training, provided that there is a connection between the training and the previous professional activity, unless the person concerned previously lost their job involuntarily.

3) The residence permit may be revoked if:

a) the condition under paragraph 1(a) is met; or

b) the resident or a person for whom they are responsible is permanently and to a significant extent dependent on social assistance.

4) The revocation of a permit granted under family reunification pursuant to Articles 43, 46, and 47 remains reserved.

5) The decision on revocation must simultaneously set a reasonable departure deadline. The departure deadline is at least 30 days from the date the decision becomes final.

C. Removal and Prevention Measures

Art. 53

Expulsion

1) Foreign nationals shall be expelled if:

a) they do not possess the required permit;

b) during a stay for which no permit is required, they no longer meet the entry requirements under Art. 6; or

c) their permit is denied, revoked, or not renewed.

2) Art. 52(5) applies *mutatis mutandis*.

3) For persons subject to an entry ban or who are expelled under paragraph 1(b), the expulsion may be enforced immediately or the departure deadline shortened, notwithstanding paragraph 2.

Art. 54

Expulsion

1) Foreign nationals shall be expelled if, due to their personal conduct, they pose a permanent and significant threat to public safety and order.

2) Expulsion of persons with a right of permanent residence may be ordered only for serious reasons of public safety and order.

3) Expulsion is accompanied by a temporary or permanent entry ban.

4) The government shall regulate the details by ordinance. Art. 55

Entry ban

1) A ban on entry may be imposed on foreign nationals who have violated or endangered public safety and order.

2) The entry ban may be temporarily lifted upon written request if there are compelling reasons.

3) The government shall regulate the details by ordinance.

D. Coercive Measures

Art. 56

General Principle

1) Subject to paragraph 2, Articles 55 through 63 and 69a of the Foreign Nationals Act apply mutatis mutandis to the application of coercive measures.

2) Art. 58(g) and Art. 59(1)(b)(7) of the Foreign Nationals Act apply only if the foreign national poses a threat to public safety and order.

VIII. Obligatio

ns Art. 57

Principle

Articles 64 through 66 of the Foreign Nationals Act apply mutatis mutandis to the obligations of foreign nationals and employers.

IX. Tasks and Responsibilities

Art. 58

Responsibilities

1) The government is responsible for:

a) the issuance of permits pursuant to Articles 20 and 22;

b) the setting of maximum quotas for permits under Article 10.

2) The Office of Foreigners and Passports is responsible for:

a) the granting, refusal, and renewal of permits; subject to paragraph 1(a);

b) conducting periodic lotteries pursuant to Art. 37 et seq.;

c) issuing, renewing, and revoking confirmations;

- d) issuing and amending residence permits;
 - e) repealed
 - f) the ordering of measures pursuant to Chapter VII;
 - g) the imposition of fines pursuant to Art. 66;
 - h) the performance of other tasks not expressly assigned to other authorities.
- 3) The municipal residents' registration offices are obligated, within the scope of their authority, to cooperate in the enforcement of this Act.
- 4) Articles 68 and 69 of the Foreign Nationals Act (AuG) apply *mutatis mutandis* to the exercise of discretion, administrative assistance, and inter-agency cooperation.

X. Data

Protection Art.

59 Principle

Articles 70 through 79 of the AuG apply *mutatis mutandis* to data protection.

XI. Legal

protection Art.

60 Principle

- 1) Decisions by the Office of Foreigners and Passports may be appealed within 14 days of notification by filing an appeal with the Office of Foreigners and Passports, or by filing a complaint with the government, or, in administrative penalty matters, with the Appeals Commission for Administrative Matters.
 - 2) Decisions by the Government may be appealed to the Government or to the Administrative Court within 14 days of service; decisions by the Appeals Commission for Administrative Matters may be appealed to the Administrative Court.
 - 3) The Administrative Court's power of review is limited to questions of law and fact. Discretionary decisions are reviewed exclusively on legal grounds.
 - 4) In appeal proceedings, new facts and evidence may be presented only if they already existed at the time of the first-instance decision but were demonstrably unknown to the appellant or could not have been known to the appellant even with the exercise of due diligence.
 - 5) Section 46a of the Act on General State Administration does not apply.
- Art. 61

- 1) In the lottery procedure, an appeal is admissible only against decisions dismissing an application on the grounds of failure to meet the eligibility requirements or the existence of grounds for exclusion. An objection within the meaning of Art. 50 LVG is excluded.
- 2) The appeal proceedings do not suspend the further course of the lottery proceedings.
- 3) If the appeal is granted after the drawing has taken place, the applicant shall, upon request, participate in the subsequent drawing.
- 4) Otherwise, no legal remedies are available in the lottery procedure or against the result of the lottery procedure.

XII. Penal Provisions and Administrative Sanctions

Art. 62

Illegal residence

- 1) The District Court shall impose a prison sentence of up to one year or a fine of up to 360 daily rates on anyone who resides in the country unlawfully, namely after the expiration of the period of residence not requiring a permit or of the permitted period of residence.
- 2) The District Court shall impose a fine of up to 360 daily rates on anyone who commits the offense through negligence.
- 3) Prosecution may be waived for foreign nationals present unlawfully, provided they are immediately deported.

Art. 63

Facilitation of Illegal Entry and Illegal Residence

- 1) The Regional Court shall impose a prison sentence of up to one year or a fine of up to 360 daily rates on anyone who enables, facilitates, or assists in the preparation of a foreign national's unlawful entry into or unlawful residence in the country.
- 2) The Regional Court shall impose a fine of up to 360 daily rates on anyone who commits the offense through negligence.
- 3) The penalty is imprisonment for up to three years or a fine of up to 360 daily rates if the offender:
 - a) acts with the intent to unlawfully enrich themselves or another person; or
 - b) acts on behalf of a criminal organization.

Art. 64

Production, use, and procurement of forged identity documents, as well as the unlawful use or transfer of genuine identity documents

1) The Regional Court shall impose a prison sentence of up to one year or a fine of up to 360 daily rates on anyone who:

- a) manufactures false identity documents under immigration law or falsifies genuine ones, as well as anyone who uses or procures such documents;
- b) uses genuine identity documents to which they are not entitled; or
- c) allows genuine identity documents to be used by unauthorized persons.

2) The penalty is imprisonment for up to three years or a fine of up to 360 daily rates if the offender:

- a) acts with the intent to unlawfully enrich themselves or another person; or
- b) acts on behalf of a criminal

organization. Art. 65

Deception of the Authorities

1) The District Court shall impose a prison sentence of up to one year or a fine of up to 360 daily rates on anyone who deceives the authorities entrusted with the enforcement of this Act by providing false information or concealing material facts, thereby fraudulently obtaining a permit for themselves or others or causing the revocation of a permit to be withheld.

2) The Regional Court shall impose a prison sentence of up to one year or a fine of up to 360 daily rates on anyone who, with the intent to circumvent the regulations governing the admission and residence of foreign nationals, enters into a marriage or registered partnership with a foreign national, or arranges, promotes, or facilitates the conclusion of such a marriage or registered partnership.

3) The penalty is imprisonment for up to three years or a fine of up to 360 daily rates if the offender:

- a) acts with the intent to unlawfully enrich themselves or another person; or
- b) acts on behalf of a criminal

organization. Art. 66

Other Offenses

Subject to Art. 66a, the Office of Immigration and Passports shall impose a fine of up to 10,000 Swiss francs for a misdemeanor on anyone who, intentionally or negligently:

- a) violates the entry regulations under Art. 6;
- b) violates the reporting obligations;
- c) engages in gainful employment without the required authorization;
- d) arranges for a foreign national to engage in gainful employment without the required authorization or employs them without the required authorization;
- e) fails to comply with the conditions attached to the permit;
- f) fails to comply with the obligation to cooperate; or
- g) Violates the implementing regulations of this Act, the violation of which is a criminal offense.

Art. 66a

Consolidation of Proceedings

- 1) If the Regional Court has jurisdiction based on an offense under the Criminal Code or Articles 62 through 65, it shall also have jurisdiction to prosecute violations under Article 66 in lieu of the Office of Immigration and Passports.
- 2) In the event of multiple criminal offenses, Art. V, para. 5 of the Criminal Law Adaptation Act applies.

Art. 67

Confiscation and Seizure of Travel Documents

Falsified and forged travel documents, as well as genuine travel documents that have been misused, shall be seized by the Office of Foreigners and Passports, border posts, and the State Police for the purpose of preserving evidence until the final conclusion of criminal proceedings under Article 64. Upon the final conclusion of criminal proceedings, the seized documents shall be secured by the State Police for transfer to the rightful owner.

Art. 68

Administrative Sanctions and Cost Reimbursement

- 1) If an employer has violated the provisions of this Act and has been repeatedly penalized for this within a period of three years, the Office of Foreigners and Passports may, for a period of two years from the date the final decision becomes legally binding, reject the employer's future applications for the admission of foreign workers who are not entitled to a permit.

2) An employer who has employed or intended to employ foreign workers subject to authorization requirements who are not authorized to engage in gainful employment shall bear the costs incurred by the state for the living expenses, accident and illness coverage, and return travel of the persons concerned that are not otherwise covered.

XIII. Fees Art.

69 Principle

1) Fees shall be charged for official acts under this Act, in particular for the issuance and revocation of permits, participation in the lottery, and special services.

2) The government shall determine the amount of the fees by ordinance.

XIV. Transitional and Final Provisions

Art. 70

Implementing Regulations

The government shall issue the regulations necessary for the implementation of this Act.

Art. 71

Repeal of Previous Legislation

The Act of April 12, 2000, on the Procedure for Granting Residence Permits (ABVG), LGBl. 2000 No. 98, is repealed.

Art. 72

Pending proceedings, permits, and violations

1) Proceedings pending at the time this Act enters into force shall be governed by the previous law, unless this Act contains more favorable provisions.

2) Permits granted under previous law remain valid until the permit expires.

3) This Act applies to offenses committed prior to its entry into force, provided that the act was also punishable under previous law and this Act is more lenient toward the offender.

Art. 73

Nationals of Croatia

1) Until June 30, 2015, the provisions applicable to third-country nationals shall apply to Croatian nationals with regard to access to the labor market as employees and to taking up residence for the purpose of self-employment.

2) Any further extension of the transitional periods after the expiration of the period specified in paragraph 1 shall be determined by the Government by ordinance.

Art. 74

Coordination with the Schengen ←Association [Agreements](#)→

Art. 1(2)(c) shall, upon the entry into force of the Schengen acquis for the Principality of Liechtenstein, read as follows:

"c) the Framework Agreement of December 3, 2008, between the Principality of Liechtenstein and the Swiss Confederation on cooperation in the areas of visa procedures, entry, and residence, as well as on police cooperation in the border region."

Art. 75

Entry into Force

This Act shall enter into force on January 1, 2010, provided that the referendum period expires without being exercised; otherwise, it shall enter into force on the date of its promulgation.

XVI. Law on Government and Administrative Organization (RVOG)

of September 19, 2012

I. General Provisions

Art. 1

Subject Matter

- 1) This Act regulates the functions, procedures, and organization of the Government and establishes the basic principles for the organization of government offices and special commissions.
- 2) Provisions under special laws remain reserved. Art. 2

Terminology

The designations of persons and functions used in this Act apply to persons of both male and female gender.

Art. 3

Principles of Government and Administrative Activity

- 1) The government, government agencies, and special commissions shall act in accordance with the Constitution and the law.
- 2) They are committed to the common good, uphold citizens' rights, and collaborate on shared responsibilities.
- 3) They act in accordance with the principles of appropriateness, proportionality, and cost-effectiveness.
- 4) They collaborate with the municipalities on joint tasks. To coordinate the most important areas of responsibility, the government meets with municipal leaders for joint conferences as needed.
- 5) Administrative tasks are carried out by the administrative offices and special commissions to the extent possible and appropriate, and remain the responsibility of the government only when necessary due to the importance of the tasks.

RVOG

II. Government

A. Collegial Government

1. General

Art. 4

Principle

- 1) The collegial government is the highest governing and executive authority of the state.

2) It consists of the head of government and four other members of the government. The members of the government perform their duties on a full-time basis.

3) The Head of Government holds a special position under the Constitution and possesses special powers.

Art. 5

Incompatibility

1) Members of the government may not hold any other office, nor may they engage in any other profession or trade. They may also not participate in corporations, institutions, or foundations established for profit.

2) Members of the government are permitted to accept positions in public and non-profit organizations that serve the specific public interests of the state and municipalities.

2. Functions

Art. 6

Planning and Management of Government and Administrative Activities

1) The collegial government plans and directs governmental and administrative activities.

2) It oversees the fulfillment of state functions.

Art. 7

Strategic Goals of Government Activity

1) The collegial government sets strategic goals and derives a government program from them, in which the goals and projects are formulated.

2) The government program is submitted to the State Parliament no later than six months after the collegial government takes office.

3) The collegial government periodically reviews the implementation of the strategic goals and the government program.

Art. 8

Legislation

Subject to the right of initiative of the Prince, the State Parliament, and the people, the collegial government conducts the preliminary legislative process. It submits to the State Parliament drafts of legislative and financial resolutions as well as international treaties pursuant to Art. 8, para. 2 of the Constitution and issues the ordinances necessary for the implementation of laws and directly applicable international treaties. Art. 9

Organization of the Administration

- 1) The collegial government ensures, within the framework of the Constitution and the law, an appropriate organization of the administration and adapts it to prevailing conditions.
- 2) It shall establish by ordinance the structure of the administration into administrative offices and, within the framework of the laws, assign to them, as far as possible, related areas of responsibility.
- 3) If the collegial government changes the names of administrative offices within the scope of its organizational authority, it shall adjust the corresponding names in other laws by ordinance.

Art. 10

Supervision

- 1) The collegial government exercises ongoing and systematic oversight of government agencies and special commissions.
- 2) Ongoing supervision is carried out by the members of the government responsible under the division of duties. Article 89 of the Constitution remains reserved.
- 3) Supervision includes reviewing the legality, appropriateness, proportionality, cost-effectiveness, as well as the speed and simplicity of task fulfillment; this also applies to the independent handling of business within the meaning of Art. 78(2) of the Constitution.
- 4) Supervision shall be exercised by appropriate means. Where necessary, special internal administrative or recognized external administrative control bodies may be established to support the collegial government or the members of the government.
- 5) The collegial government exercises supreme supervision over special public-law corporations, institutions, and foundations, as well as other public enterprises, in accordance with the relevant provisions.

Art. 11

Execution and Administration of Justice

- 1) The collegial government ensures the enforcement of all laws and legally permissible mandates of the sovereign or the state parliament.
- 2) It exercises administrative justice to the extent that it is conferred upon it by legislation.

Art. 12

Other Functions

The collegial government performs other duties assigned to it by the Constitution or by law.

3. Procedures and Organization

Art. 13

Principle of Collegiality

1) Members of the government represent the decisions of the collegial government. In special cases, the collegium may relieve a member of the government of the obligation to publicly represent a decision.

2) If a member of the collegial government loses a vote on a motion, they have the right to request that the motion and the result of the vote be recorded in the minutes.

Art. 14

Priority of Collegial Affairs

The affairs of the collegial government take precedence over the other obligations of the members of the government.

Art. 15

Coordination and Consultation Procedures

1) If a matter falls within the purview of several members of the government, they shall, on their own initiative, ensure timely mutual information-sharing and coordination.

2) In preparation for important decisions of the collegial government, a consultation procedure is conducted among the individual members of the government.

Art. 16 Repealed

Art. 17 Rules of

Procedure

In all other respects, the procedure and organization shall be governed by the Rules of Procedure of the Government.

B. Ministries,

Art. 18:

Principle

1) Under the collegial government, the following ministries shall be established:

- a) Ministry of the Presidency and Finance;
- b) Ministry of Foreign Affairs;
- c) Ministry of Social Affairs;

d) Ministry of the Interior;

e) Ministry of Infrastructure.

2) The areas of responsibility for the economy, justice, education, the environment, sports, and culture shall be assigned to the individual ministries referred to in paragraph 1; the name of the ministry shall be adjusted accordingly.

3) The Ministry of Presidential Affairs and Finance is assigned to the Head of Government. The assignment of the remaining ministries and the areas of responsibility under paragraph 2 shall be determined by a government resolution.

4) Each member of the government is the head of a ministry and bears the title “Minister.”

Art. 19

Distribution of Responsibilities

The collegial government shall allocate its responsibilities to the individual ministries by ordinance, taking into account their importance and scope, based on subject matter and factual relevance.

Art. 20

Organizational Structure

The ministries are divided into departments and special commissions. Each has a general secretariat.

Art. 21

Management of the Ministries

1) Members of the government are authorized and obligated to manage the ministries assigned to them, subject to the special powers of the head of government.

2) Members of the government set the objectives and establish priorities within their ministries. In doing so, they take into account the government program as well as other resolutions adopted by the collegial government regarding priorities and objectives.

3) In their ministries, members of the government generally have unrestricted rights to issue instructions, exercise control, and intervene personally. This is subject to the issuance of administrative regulations, in particular service instructions, by the collegial government pursuant to Articles 10 and 92 of the Constitution, as well as other special statutory provisions.

Art. 22

Duties of Members of the Government

In their capacity as heads of a ministry, members of the government are responsible in particular for the following tasks:

- a) they prepare motions within their area of responsibility for decision-making by the collegial government and represent them at government meetings;
- b) they ensure the drafting of reports and proposals to the State Parliament and present government bills before the State Parliament;
- c) they represent the collegial government in their area of responsibility both domestically and abroad, unless this falls under the jurisdiction of the sovereign, the head of government, or the member of the government responsible for the affairs of the Ministry of Foreign Affairs;
- d) they coordinate the activities of the agencies under their authority and ensure cooperation among the agencies;
- e) they regularly evaluate the performance of the agencies under their authority and periodically review them to ensure that objectives are met;
- f) they issue the necessary performance mandates to the heads of the agencies and conduct employee evaluations;
- g) They plan their ministry's long-term activities and submit proposals on long-term objectives to the collegial government;
- h) They participate in the preparation and implementation of the state budget and commitment appropriations;
- i) they keep the collegial government informed on an ongoing basis about the most important developments within their area of responsibility;
- k) They exercise ongoing supervision over the administrative offices and special commissions under their authority, as well as ongoing oversight over the special public-law corporations, institutions, and foundations assigned to their ministry, as well as other public enterprises; the supervisory powers of the collegial government remain reserved.

Art. 23

Representation

If a member of the government is unable to perform his or her duties, another member of the government designated by the collegial government shall assume those duties. Art. 79, para. 2, and Art. 88 of the Constitution remain reserved.

Art. 24

Delegation of Duties

In the interest of prompt and efficient handling of business, and without prejudice to their legal responsibility and authority, members of the government may authorize heads of administrative offices to handle and sign specific matters in their name and on their behalf.

III. Government Offices

A. General

Provisions Art.

25 Principle

- 1) Government departments are:
 - a) the staff units of the collegial government;
 - b) the staff units of the ministries;
 - c) the offices.
- 2) Unless otherwise specified, the provisions of Articles 34 through 39 apply mutatis mutandis to the staff units referred to in paragraph 1, letters a and b.

B. Staff units of the collegial government

1. General

Art. 26

Principle

- 1) The staff offices of the collegial government are:
 - a) the Government Secretary;
 - b) the Government Chancellery;
 - c) additional staff units, if the collegial government so decides.
- 2) They report directly to the collegial government. Day-to-day supervision is exercised by the head of government.

2. Government Secretary

Art. 27

Position and Duties

- 1) The Government Secretary is the secretary of the collegial government. He keeps the minutes of the collegial government's meetings and assists the chairperson in the drafting and implementation of government decisions as well as in coordination tasks.
- 2) The Government Secretary performs other duties assigned to him by law, ordinance, or government decision.
- 3) The collegial government appoints two deputies for the Government Secretary.

3. Government Chancellery

Art. 28

Status

The Government Chancellery is the central administrative office of the collegial government and is headed by the Government Secretary.

Art. 29

Duties

The Government Chancellery is responsible in particular for:

- a) assisting the Secretary of the Government in the performance of his duties under Art. 27;
- b) providing administrative services and maintaining the government's registry;
- c) government information and communication;
- d) the government's protocol;
- e) the performance of other tasks assigned to it by law, regulation, or government resolution.

C. Staff units of the ministries

1. General Provisions

Art. 30

Principle

The staff units of the ministries are:

- a) the General Secretariats;
- b) the other staff units.

2. General Secretariat

Art. 31

Status

- 1) The General Secretariat is the central administrative unit of the Ministry.
- 2) Each General Secretariat is headed by a Secretary General. A Deputy Secretary General shall be appointed for each General Secretariat, who shall assume the rights and duties of the Secretary General in the event of the latter's absence.
- 3) The Secretary General is appointed for a fixed term, initially for a period of five years following the entry into force of this Act and subsequently for a period of four years. In the event of early termination of the employment relationship, the new Secretary General shall be appointed for the remainder of the previous Secretary General's term of office.

Art. 32

Duties

The General Secretariat supports the responsible member of the government in the performance of his or her duties and is responsible in particular for:

- a) the planning, organization, and coordination of the Ministry's operations;
- b) the preparation of the ministry's budget estimate;
- c) ensuring the Ministry's financial control;
- d) the Ministry's information and communication activities, with the support of the Government Chancellery;
- e) coordinating the Ministry's activities with those of other ministries and the collegial government;
- f) Performing other tasks assigned to it by the relevant member of the government.

3. Other staff units of the ministries

Art. 33

Duties

The other staff units of the ministries primarily perform advisory and support functions. In particular, they may be assigned tasks in the areas of planning, preparation, coordination, and supervision.

D. Agenci

es Art. 34

Duties

The agencies carry out the duties assigned to them by law, ordinance, government resolution, or directive from the responsible member of the government.

Art. 35

Assignment

Each agency is assigned to a ministry, taking into account the substantive connection of the matters.

Art. 36

Instructions

1) The responsible member of the government may issue the necessary instructions, unless individual matters have been delegated to an office for independent handling; paragraph 2 remains reserved. Unless there are special reasons, instructions are issued through the head of the office.

2) If a decision by the Office is not subject to appeal to the Collegiate Government, the Collegiate Government may issue instructions to the Office on how a matter is to be decided in a specific case in accordance with the law. If the particular significance or complexity of a decision so requires, the Office must submit it to the Collegiate Government for the issuance of instructions.

Art. 37

Management of the Offices

1) Each office is headed by a director. A deputy director shall be appointed for each office, who shall assume the rights and duties of the director in the event of the director's absence. In the case of larger offices with different areas of responsibility, two deputy directors may be appointed.

2) The head of the office is the supervisor of all employees assigned to the office. He is authorized and obligated to issue instructions to the employees.

3) The head of the office must organize the office in such a way as to ensure proper operations. To this end, he may, in consultation with the responsible member of the government, divide the office into departments and other organizational units; in doing so, particular consideration must be given to the size and tasks of the office as well as any administrative regulations issued by the collegial government.

4) The head of the office is responsible to the relevant member of the government for the technical, personnel, and organizational management of the office, as well as for the proper and timely performance of the tasks assigned to the office.

Art. 38

Title

1) In dealings with foreign countries, the heads of offices shall bear the title "Director."

2) The collegial government may confer the title of "ambassador" on heads of mission whose duties primarily concern foreign policy and foreign trade.

Art. 39

Authority to Act and Sign

The heads of office shall, in cooperation with the Office of Personnel and Organization, regulate the powers of action and signing authority of the respective office.

IV. Coordinating Bodies

A. Conference of Secretaries-General

Art. 40

Composition and Chairmanship

- 1) The Conference of Secretaries-General consists of the Secretary of State and the Secretaries-General of the five ministries.
- 2) The Secretary of State presides. Art. 41

Duties

The Conference of Secretaries-General performs the following tasks on behalf of the collegial government:

- a) Discussion and preparation of interministerial tasks;
- b) Coordination of interministerial tasks;
- c) Reviewing proposals concerning the organization of the ministries;
- d) other tasks assigned by the collegial government.

B. Conference of Department Heads

Art. 42

Composition and Chairmanship

- 1) The Conference of Heads of Departments consists of the members of the government and the heads of departments. If a head of department is unable to attend, they are represented by their deputy.
- 2) The Head of Government presides.

Art. 43

Convening and Agenda

- 1) The Head of Government convenes the Conference of Heads of Departments as needed or at the request of the Committee of Heads of Departments, announcing the agenda.
- 2) The collegial government draws up the agenda after consultation with the Committee of Heads of Departments.

Art. 44

Tasks

The Conference of Heads of Departments serves to facilitate internal communication and coordination between the collegial government and the departments, particularly with regard to fundamental organizational and personnel matters.

C. Representation of Department Heads

Art. 45

Committee of Department Heads

The heads of departments shall appoint a committee of five members from among themselves. This committee shall be responsible in particular for:

- a) representing their interests;
- b) developing joint positions in consultations and statements;
- c) the coordination of shared concerns; and
- d) serving as a liaison body for the collegial government on important organizational and personnel matters.

V. Special Commissions

Art. 46

Establishment

- 1) The following may be established by law or by virtue of statutory authorization:
 - a) commissions for the independent handling of matters within the meaning of Art. 78, para. 2 of the Constitution (administrative commissions);
 - b) Permanent advisory commissions (advisory boards).
- 2) The collegial government may appoint non-standing advisory commissions to assist it in the preparation of specific matters.
- 3) The establishment of a special commission shall be waived if the matter can be more appropriately handled by an administrative office or a special body, institution, or foundation under public law.

Art. 47

Review

Special commissions shall be reviewed prior to the reappointment of their members with regard to their necessity, tasks, and composition.

Art. 48

Composition

When appointing special commissions, due consideration must be given to their tasks to ensure that:

- a) their members possess sufficient expertise; and

b) they are composed in a balanced manner with respect to gender, age, and interest groups.

Art. 49

Assignment and Supervision

1) Each special commission shall be assigned to a ministry, taking into account the substantive connection of the matters at hand.

2) They are subject to the ongoing supervision of the responsible member of the government, unless otherwise provided by special law.

Art. 50

Assignments and Instructions

1) The competent member of the government may issue instructions and the necessary directives, unless specific matters have been delegated to special commissions for independent handling. Paragraph 2 and provisions of special laws remain reserved.

2) If a decision by an administrative commission is not subject to review by the collegial government, the collegial government may issue instructions to the commission on how a matter is to be decided in a specific case in accordance with the law. If the particular significance or complexity of a decision so requires, the commission must submit it to the collegial government for the issuance of instructions.

Art. 51

Responsibility

The members of the special commissions are accountable to the collegial government for the performance of their duties.

Va. Records Management and Data Protection

A. Electronic record-keeping and management

Art. 51a

Principle

1) The government and the administrative offices shall maintain and manage their records electronically in a professional manner.

2) For the purposes set forth in paragraph 1, they shall use electronic records management systems, which also include specialized applications.

3) They may use the electronic records management systems for electronic communication pursuant to Art. 4 of the E-Government Act.

4) The government shall regulate the details of the electronic maintenance and management of records by ordinance. In particular, it shall specify:

- a) the general principles of electronic record-keeping and management, in particular record creation and record processing;
- b) the cases in which, notwithstanding paragraph 1, files or parts thereof may be maintained or managed in physical form for technical, organizational, or economic reasons; it establishes the principles for the maintenance and management of such files;
- c) the conditions under which physical records may be destroyed or returned after their electronic entry into the records management systems.

5) The provisions of this chapter apply *mutatis mutandis* to the special commissions.

Art. 51b

Reuse and Transfer of Data

- 1) To the extent that data has been recorded in electronic file management systems pursuant to Art. 51a, it shall also be used for other matters.
- 2) The government and the administrative offices shall transmit the necessary data to one another and to other authorities for the purposes of paragraph 1, or grant access rights to the data in the electronic records management systems.
- 3) When reusing and transmitting personal data, the government and the administrative offices shall observe the principles set forth in Art. 51g.

B. Data

Protection Art.

51c Principle

- 1) The provisions of this section apply to the processing of personal data in electronic file management systems pursuant to Art. 51a.
- 2) Special provisions regarding the processing of personal data in specialized electronic applications remain unaffected.

Art. 51d

Processing of Personal Data

The government and government agencies may process personal data, including special categories of personal data as well as personal data regarding criminal convictions and offenses, in electronic records management systems pursuant to Art. 51a only to the extent that such processing is necessary to:

- a) fulfill tasks assigned by law;
- b) process transactions;
- c) organize work processes;
- d) determine whether data concerning a specific person is being processed;
- e) facilitate access to documentation. Art. 51e

Data Security

The government and government agencies shall protect the information and personal data contained in electronic records management systems from unauthorized or unlawful processing, accidental loss, accidental destruction, or accidental damage through appropriate technical and organizational measures.

Art. 51f

Data Analysis

1) The government and administrative agencies may evaluate all personal data processed in electronic records management systems pursuant to Art. 51a in an anonymized form.

2) The government may regulate the details of data analysis by ordinance.

Art. 51g

Reuse and Transfer of Data

1) The government and government agencies may use personal data—including special categories of personal data and personal data relating to criminal convictions and offenses—that has been recorded in electronic records management systems pursuant to Article 51a for other purposes and may transmit such data to one another for this purpose if:

- a) this is provided for by special legislation;
- b) the conditions for processing for another purpose under Article 6(4) of Regulation (EU) 2016/679 or under Article 22 of the Data Protection Act are met;
- c) the conditions for data transfer under Article 24 of the Data Protection Act are met; or
- d) the data subject has consented to the reuse or transfer of the data.

2) The transfer of data pursuant to paragraph 1 may be carried out via access authorizations to electronic file management systems pursuant to Article 51a.

Art. 51h

Retention and Deletion of Data

1) The government and public authorities may retain personal data, including special categories of personal data as well as personal data concerning criminal convictions and offenses, for as long as necessary to fulfill the purposes set forth in Art. 51d; subject to retention periods under special laws.

2) You may delete the data only after sorting it out and offering it to the State Archives in accordance with Section 6 of the Archives Act.

VI. Final Provisions, Art.

52: Implementing Regulations

The government shall issue the regulations necessary for the implementation of this Act. In particular, it shall define the responsibilities and duties of the ministries, as well as the assignment of administrative offices and special commissions to the individual ministries.

Art. 53

Reporting to the State Parliament

The Government shall inform the State Parliament in its report on its activities regarding its decisions concerning the organization of the administration.

Art. 54

Repeal of Previous Laws

The following are repealed:

- a) the Act of July 17, 1973, on the Administrative Organization of the State, LGBl. 1973 No. 41;
- b) The Act of March 21, 1996, amending the Act on the Administrative Organization of the State, LGBl. 1996 No. 62;
- c) Publication of the Office Plan of November 25, 1986, LGBl. 1987 No. 6.

Art. 55

Amendment of Designations

1) In the following laws, the designation “Department of Justice” or “member of the government responsible for the Department of Justice” shall be replaced by the designation “member of the government responsible for the Justice portfolio,” in the grammatically correct form in each case:

- a) Law of September 15, 2000, on International Mutual Legal Assistance in Criminal Matters (Mutual Legal Assistance Act, RHG), LGBI. 2000 No. 215;
- b) Law of October 20, 2004, on Cooperation with the International Criminal Court and Other International Courts (ZIGG), LGBI. 2004 No. 268;
- c) Law of October 23, 2002, on the Effectiveness of Settlements in Payment and Securities Delivery and Settlement Systems (Finality Act), LGBI. 2002 No. 159;
- d) Law of November 25, 2010, on Judicial Proceedings in Non-Contentious Matters (Non-Contentious Proceedings Act; AussStrG), LGBI. 2010 No. 454.

2) In Article 9(1) of the Act of June 22, 2007, on Assistance to Victims of Criminal Offenses (Victim Assistance Act, OHG), LGBI. 2007 No. 228, the term "Department of Justice" shall be replaced by the term "the ministry responsible for the justice portfolio."

3) In the following laws, the term “Department of Finance” shall be replaced by the term “member of the government responsible for the Ministry of the Presidency and Finance,” in the grammatically correct form in each instance:

- a) Law of June 30, 2010, on International Administrative Assistance in Tax Matters (Tax Administrative Assistance Act; SteAHG), LGBI. 2010 No. 246;
- b) Law of September 16, 2009, on Administrative Assistance in Tax Matters with the United States of America (Law on Administrative Assistance in Tax Matters with the United States; AHG-USA), LGBI. 2009 No. 303.

4) In Art. 8(1) of the Act of October 20, 2004, on Cooperation with the International Criminal Court and Other International Courts (ZIGG), LGBI. 2004 No. 268, the term “Department of Foreign Affairs” shall be replaced by the term “government member responsible for the Ministry of Foreign Affairs,” in the grammatically correct form in each instance.

5) In Article 32(1) of the Act of May 23, 1996, on the Protection of Nature and the Landscape, LGBI. 1996 No. 117, the term “responsible government department head” shall be replaced by the term “government member responsible for the Ministry of Infrastructure and the Environment.”

6) In Article 1 of the Act of October 30, 1996, implementing the European Convention of May 20, 1980, on the Recognition and Enforcement of Decisions Concerning Custody of Children and the Restoration of Custody, LGBL 1997 No. 24, the term “ministry” shall be replaced by the term “member of the government.”

7) In Article 20(2) of the Act of April 24, 2008, on the Promotion of Energy Efficiency and Renewable Energies (Energy Efficiency Act; EEG), LGBL 2008 No. 116, the term “Head of the Department of Economy” shall be replaced by the term “Member of the Government responsible for the Economy portfolio.”

8) In Article 6(2) of the Act of June 30, 2010, on the Liechtenstein Old-Age and Health Insurance (LAKG), LGBL 2010 No. 243, the word "ressortmässig" is to be replaced by the word "geschäftsmässig".

9) In Article 7(3) of the Act of March 14, 2002, on the Financial Intelligence Unit (FIU), LGBL 2002 No. 57, the term “Head of the Finance Department” shall be replaced by the term “Government Member responsible for the Ministry of the Presidency and Finance.”

10) In the Act of April 26, 2007, on International Humanitarian Cooperation and Development (IHZEG), LGBL 2007 No. 149, the following shall be replaced in the grammatically correct form:

a) in Art. 10(1)(a), the words “departments responsible under the departmental plan” shall be replaced by the words “ministries responsible under the division of responsibilities”;

b) in Art. 10(1)(b), the term "departments" by the term "ministries".

11) In Article 31(1)(a) of the Judicial Service Act (RDG) of October 24, 2007, LGBL 2007 No. 347, the words “a department or an office” shall be replaced by the words “an office.”

12) In Article 48 of the Public Prosecutor’s Office Act (StAG) of December 15, 2010, LGBL 2011 No. 49, the words “a department or an administrative office” shall be replaced by the words “an administrative office.”

Art. 56

Entry into Force

1) This Act shall enter into force on February 1, 2013.

2) It shall apply for the first time upon the appointment of the new government in 2013.

XVII. Public Prosecutor's Office Act (StAG)

of December 15, 2010

I. General Provisions Art. 1

Subject Matter

This Act governs the duties and organization of the Public Prosecutor's Office as well as the service regulations for public prosecutors and non-prosecutorial staff.

Art. 2

Duties of the Public Prosecutor's Office

The Public Prosecutor's Office is responsible for fulfilling the duties assigned to it by law or international treaty to safeguard the interests of the state in the administration of justice, particularly in criminal proceedings. In criminal proceedings, it is responsible for bringing public charges and conducting judicial prosecutions.

Art. 3

Definitions and Terms

- 1) "Non-prosecutorial employees" within the meaning of this Act are the staff of the office and the public prosecutor's trainees.
- 2) The terms used in this Act to refer to persons, functions, and professions shall be understood to include both men and women.

II. Organization

A. Structure and Organs of the Public

Prosecutor's Office Art. 4

Prosecutors

- 1) The Public Prosecutor's Office performs its duties through public prosecutors.
- 2) Prosecutors are independent in the performance of their duties, unless this Act provides otherwise.
- 3) Prosecutors work independently and on their own responsibility within the scope of the duties assigned to them through the allocation of duties or, in individual cases, by the head of the Public Prosecutor's Office.

Art. 5

Head of the Public Prosecutor's Office

- 1) The Public Prosecutor's Office is headed by a public prosecutor. This public prosecutor leads the Public Prosecutor's Office and represents it externally. In the event of his absence or inability to perform his duties, his powers are exercised by his deputy.

2) The head of the Public Prosecutor's Office and his or her deputy are appointed by the government from among the public prosecutors.

Art. 6

Departments

The head of the public prosecutor's office, his or her deputy, and each additional prosecutor head a department. The jurisdiction of the departments is specified in the division of responsibilities.

Art. 7

Administrative

Office

1) The Administrative Office supports the divisions in the performance of their duties.

2) The administrative office is responsible in particular for:

- a) the preparation of the public prosecutor's office's decisions;
- b) the registration of cases;
- c) maintaining the logs and registers; and
- d) other administrative tasks of the departments.

3) The head of the public prosecutor's office may, within the framework of the allocation of duties, specify further details regarding the organization of the office and its communication with the departments.

B. Instructions

Art. 8

Principle

1) The government may issue the following in writing to the head of the public prosecutor's office:

- a) general instructions;
- b) Instructions regarding the handling of a specific criminal case; such instructions may not relate to the withdrawal of a complaint (Section 22(1) of the Code of Criminal Procedure), the dismissal of proceedings (Sections 64, 158(2) of the Code of Criminal Procedure), the discontinuation of prosecution as a result of diversion (Part IIIa of the StPO), the withdrawal of the indictment, or the failure to file an appeal to the detriment of the accused.

2) If a written instruction in a specific criminal case pursuant to paragraph 1 is not possible for special reasons, in particular due to imminent danger, an instruction given orally must be confirmed in writing as soon as possible.

3) Instructions may be issued to public prosecutors only by the head of the public prosecutor's office, either in writing or orally.

- 4) Instructions must always be issued and justified with reference to this provision of the law.
- 5) The sovereign's constitutional right to terminate initiated investigations remains unaffected.

Art. 9

Right of Remonstrance, Protection of Conscience, Disclosure of Instructions

- 1) A public prosecutor who considers an instruction given to him regarding the handling of a specific case to be unlawful must notify the head of the public prosecutor's office—or, if the head himself is involved, the government—of this fact; provided that the matter does not involve an urgent situation requiring immediate action, this notification must be made before the instruction is carried out.
- 2) If a public prosecutor considers an instruction to be unlawful or requests an instruction in writing, the head of the public prosecutor's office or, if the head is personally involved, the government must issue the instruction in writing or reiterate it in writing; otherwise, it shall be deemed withdrawn.
- 3) If a public prosecutor is convinced of the unlawfulness or unreasonableness of the conduct required of him or if there are other grounds worthy of consideration, the head of the public prosecutor's office shall, upon a written and sufficiently reasoned request, relieve him of further handling of the matter, unless the measure is urgent due to imminent danger.
- 4) The mere disclosure of the fact that instructions regarding the handling of a specific criminal case have been issued, and the nature of those instructions, does not constitute a breach of the duty of professional confidentiality.

C. Allocation of Cases, Review, Attendance, and Reporting Art. 10

Case Allocation

- 1) The head of the public prosecutor's office shall allocate cases to the individual divisions annually. In doing so, he or she shall ensure an even distribution of caseload among the prosecutors in the divisions and provide for deputy arrangements.
- 2) The allocation of cases shall be simple and clear and shall include the names of the divisions and the respective names of the prosecutors.

3) This division of duties does not apply to decisions that must be made during on-call duty due to their urgency or as a result of the delegation of tasks by the head of the public prosecutor's office.

4) The allocation of duties must be brought to the attention of the member of the government responsible for the Public Prosecutor's Office and made public in an appropriate manner.

5) To the extent necessary for the proper conduct of business, the head of the public prosecutor's office may temporarily assume the duties of another public prosecutor or delegate certain generally defined matters to a public prosecutor for independent handling. If events occur that have long-term effects on the conduct of business, the allocation of duties must be amended, in particular if:

- a) changes have occurred in the staffing of the public prosecutors;
- b) this is necessary due to a public prosecutor's inability to perform their duties;
- c) a prosecutor is unable to complete their duties within a reasonable time due to the scope of their responsibilities.

Art. 11 Review

1) The head of the public prosecutor's office reviews the work of the public prosecutors. He may designate one of the other public prosecutors to do so.

2) The decision not to prosecute a criminal offense referred to the criminal court must always be subject to review.

Art. 12

Presence at the Office and On-Call Duty

1) The head of the public prosecutor's office shall organize the presence of the public prosecutors in such a way that they can properly fulfill their official duties.

2) Outside of regular office hours, on-call duty applies. A prosecutor must perform on-call duty to ensure the timely handling of applications and orders that cannot be postponed.

3) While on on-call duty, the prosecutor must remain within the country or in a neighboring country and ensure that he or she is reachable at all times and able to perform the necessary official duties.

4) The head of the public prosecutor's office shall schedule public prosecutors for on-call duty in such a way that their call-ups are as evenly distributed as possible.

Art. 13

Reports

1) The head of the Public Prosecutor's Office must immediately report on criminal matters of particular public interest to the member of the Government responsible for the Public Prosecutor's Office and to the Head of Government.

2) Criminal cases against members of the Landtag, the Government, or persons serving as mayor or municipal councilor of a Liechtenstein municipality must be reported, unless a connection to political activity can be ruled out.

3) The report must be made in writing; in urgent matters, it may also be made orally in advance, in an appropriate manner.

4) If motions and statements must be submitted or made immediately due to imminent danger, the report shall be provided without delay.

Art. 14 Annual

Reports

1) The head of the Public Prosecutor's Office shall submit an annual report on the lawful conduct of the Public Prosecutor's Office to the government by the end of February each year, for the attention of the State Parliament.

2) The annual report shall provide information on criminal cases concluded and those still pending during the fiscal year and explain the development of the caseload.

3) The annual report may also highlight observations regarding the state and conduct of the administration of justice as well as deficiencies in legislation and, where appropriate, contain suitable proposals for amendments.

D. Documentation and Registration,

Art. 15

Logbook

1) A case log must be maintained by the public prosecutor's office for each criminal case.

2) The following must be entered in the case log:

a) the dismissal of a complaint;

b) a decision to dismiss the case;

- c) withdrawal of prosecution as a result of diversion;
 - d) the withdrawal of a motion for punishment or a criminal complaint, an indictment, a motion for placement in an institution for mentally abnormal offenders, or any other independent motion.
- 3) When a motion for punishment or a criminal complaint is filed, the specific circumstances relevant to the filing of charges, the presentation of evidence, and the determination of the sentence must be noted in brief.
- 4) Cases involving detention must be specially marked.
- 5) The original of requests for punishment or criminal complaints, indictments, applications for placement in an institution for mentally abnormal offenders, and appeals, as well as a copy of reports, must be attached to the journal.
- 6) The results of court proceedings and any statements of appeal must be recorded in the journal.

Art. 16

Register

- 1) The public prosecutor's office shall maintain records of criminal cases, in which all essential procedural data, the criminal offenses, the procedural steps, and the public prosecutor's orders, motions, and instructions must be entered.
- 2) The government shall regulate the details, in particular regarding the nature, content, form, and maintenance of the registers, by ordinance.

Art. 17

Access to Diaries and Documents

- 1) Subject to paragraph 2, the following persons have the right to inspect diaries:
 - a) the member of the government responsible for the public prosecutor's office and the head of government, as well as, in the event of their absence, their deputies or a person authorized by them;
 - b) to the extent necessary, those authorities dealing with criminal or disciplinary proceedings against a public prosecutor or with proceedings under the Official Liability Act against the state regarding an official act of a public prosecutor.
- 2) For the purpose of scientific research, the head of the public prosecutor's office may grant the right to inspect diaries. As a rule, inspection may

may be granted only ten years after the complaint has been withdrawn or the proceedings have otherwise been terminated.

3) Where there is a legitimate legal interest, access shall be granted to the documents attached to the case file, unless special circumstances preclude this. As a rule, this right of access exists only after the complaint has been withdrawn, the proceedings have been discontinued, prosecution has been withdrawn pursuant to Part IIIa of the Code of Criminal Procedure, or the proceedings have otherwise been terminated.

Art. 18

Processing of Personal Data

The Public Prosecutor's Office may process personal data, including special categories of personal data as well as personal data concerning criminal convictions and offenses, to the extent necessary to fulfill its duties under this Act.

E. Relationship with the

Courts Art. 19

Performance of Acts Before the Courts

1) The scope of authority of public prosecutors and their interactions with the courts are governed by specific statutory procedural provisions, in particular the Code of Criminal Procedure.

2) The representation of the prosecution in the final hearing shall, insofar as this is in the interest of effective criminal prosecution, be entrusted, where possible, to the public prosecutor who has been primarily responsible for the case up to that point.

3) In proceedings under § 312 and § 317 of the Code of Criminal Procedure, the representation of the prosecution in the final hearing before the Regional Court, as well as the representation in appeal proceedings before the Higher Regional Court, may also be entrusted to judicial clerks.

F. Supervision

Art. 20

Supervisory

Authority

1) Supervisory authority over public prosecutors, judicial clerks entrusted with performing prosecutorial duties, and non-prosecutorial staff rests with the head of the public prosecutor's office. Supervisory authority over the head of the public prosecutor's office rests with the government.

2) The scope of administrative supervision includes, in particular:

- a) the monitoring of case volume, processing deadlines, and the maintenance of case logs and registers;
- b) monitoring of prolonged procedural delays; and
- c) continuing education in the administration of justice.

3) No ordinary legal remedy is available against decisions and orders issued by supervisory bodies in the exercise of their supervisory authority.

Art. 21 Complaint Regarding

Disciplinary Oversight

1) Complaints regarding improper conduct in the performance of official duties or regarding the denial or delay of justice may be filed in writing by any person:

- a) to the Government, insofar as they concern the head of the Public Prosecutor's Office;
- b) to the head of the public prosecutor's office, insofar as they concern the other public prosecutors, judicial clerks entrusted with performing public prosecution duties, and non-prosecutorial staff.

2) All complaints that are not manifestly unfounded shall be communicated to the public prosecutor concerned or to the head of the public prosecutor's office, with a request to remedy the complaint within a specified period and to report on the matter or to state the obstacles preventing such action.

Art. 21a

Review

1) The workload, efficiency, and operational effectiveness of the public prosecutor's office, as well as its organizational structure and operational processes, shall generally be reviewed every five years by experts. Insofar as the review concerns the proper conduct of business by the public prosecutor's office or individual departments, the expert must be qualified to serve as a judge or public prosecutor. The review shall be conducted, where possible, in coordination with the audit of the courts pursuant to Art. 51 of the Court Organization Act.

2) The investigation is ordered by the government after consultation with the head of the public prosecutor's office. When conducting investigative proceedings, strict care must be taken to ensure that there is no interference with the independence of the public prosecutors.

3) The experts must report in writing to the head of the public prosecutor's office on the results of the investigation and any recommendations for the appropriate fulfillment of duties. The head of the public prosecutor's office shall solicit the comments of the parties concerned. They shall submit their comments to the government regarding the findings and recommendations of the experts.

4) The experts have the right to inspect the files of the public prosecutor's office. They are bound by confidentiality.

5) The government may order a special investigation pursuant to paragraph 1 in the event of special circumstances or extraordinary situations.

G. Exclusion and Recusal of Prosecutors Art. 22

Exclusion

Prosecutors may not exercise their office if they:

- a) have a personal interest in the matter;
- b) are or were married to or cohabiting with a defendant, or are related by blood or marriage up to the fourth degree. Adoption, step-parent, and foster-parent relationships are treated as equivalent to natural parent-child relationships;
- c) are representatives, agents, employees, or officers of an accused person;
- d) are witnesses in the

matter. Art. 23

Recusal

1) Prosecutors may request their own recusal or be challenged by the defendant and the parties to the proceedings if:

- a) there is a close friendship, a personal enmity, or a special relationship of duty or dependence with the defendant or a party to the proceedings;
- b) they are involved in a legal dispute with the defendant or a party to the proceedings, or could be biased in the matter for other reasons.

2) A challenge against a prosecutor must be filed within five days of becoming aware of the grounds for the challenge.

Art. 24

Exclusion and Recusal Proceedings

1) From the moment a ground for exclusion becomes known, every public prosecutor must refrain from all prosecutorial actions, except in cases of imminent danger.

2) As soon as a ground for recusal or exclusion becomes known, every public prosecutor is obligated to notify the head of the public prosecutor's office in a timely manner; if the head is personally involved, the deputy must be notified.

3) The head of the public prosecutor's office and, if the head is personally involved, his or her deputy, are obligated, if grounds for recusal or exclusion exist, to exclude the public prosecutor concerned and to entrust his or her deputy with the performance of the duties in accordance with the division of responsibilities.

III. Service Law

A. General

Provisions Art.

25

Applicable Law

This chapter governs the service law for public prosecutors. The service law for non-prosecutorial employees is governed by the provisions of the State Personnel Act, unless otherwise specified below.

B. Preparatory Service

Art. 26

Principle

Training to become a public prosecutor takes place within the framework of the judicial preparatory service pursuant to Art. 6 et seq. of the Judicial Service Act.

Art. 27

Repealed Art.

28 Repealed

Art. 29

Repealed Art.

30 Repealed

Art. 31

Repealed

C. Establishment of the Employment

Relationship Art. 32

Advertisement and Appointment

- 1) Vacancies for public prosecutors shall be advertised by the government in the official publications for open application.
- 2) The head of the Public Prosecutor's Office shall submit to the government an assessment of the applicants' suitability and, if there are multiple applicants, a reasoned proposal for filling the position.
- 3) The government appoints public prosecutors by entering into a written employment contract, without being bound by the appointment proposal of the head of the public prosecutor's office.

Art. 33 Employment

Requirements

- 1) Subject to paragraphs 2 and 3, the following requirements must be met for appointment as a public prosecutor:
 - a) Liechtenstein citizenship;
 - b) full legal capacity;
 - c) unimpeachable personal integrity and professional competence;
 - d) Completion of the judicial clerkship pursuant to Art. 6 et seq. of the Judicial Service Act.
- 2) Liechtenstein nationals who have practiced as attorneys in Liechtenstein for at least three years are exempt from the requirement under paragraph 1(d). Furthermore, Liechtenstein nationals who have previously served as full-time judges at a regular court in Liechtenstein or as public prosecutors at the Liechtenstein Public Prosecutor's Office are exempt from the requirement under paragraph 1(d).
- 3) The following are exempt from the requirements under paragraph 1(a) and (d):
 - a) Austrian nationals who, immediately prior to their application, have served for at least five consecutive years as a full-time public prosecutor or judge;
 - b) Swiss nationals who, immediately prior to their application, have served for at least five consecutive years as a full-time public prosecutor, judge, or court clerk.

Art. 34

Term of Employment

1) Prosecutors are appointed, subject to termination pursuant to Art. 34a(3), until they reach the age limit for normal retirement.

2) A fixed-term appointment is permitted for a maximum duration of three years; it may be extended by a maximum of two additional years in justified cases.

3) A one-time extension of employment beyond the normal AHV retirement age is permissible in justified cases, with the consent of the head of the public prosecutor's office, for a maximum duration of five years.

4) The public prosecutor must submit the application for continued employment pursuant to paragraph 3 to the government via the head of the Public Prosecutor's Office no earlier than two years and no later than one year before reaching the standard AHV retirement age, specifying the intended duration thereof as well as the intended workload. The head of the Public Prosecutor's Office must demonstrate the necessity of the continued employment.

5) If the request for continued employment concerns the head of the public prosecutor's office, the request must be submitted directly to the government; the government shall approve the request if continued employment is necessary.

Art. 34a

Probationar

y Period

1) A three-year probationary period applies to public prosecutors upon commencement of their employment. Excluded from this are public prosecutors who previously served as public prosecutors at the Liechtenstein Public Prosecutor's Office or as full-time judges at a regular court in Liechtenstein. During the probationary period, public prosecutors shall bear the title "Public Prosecutor."

2) During the probationary period, the head of the Public Prosecutor's Office shall provide the public prosecutors with a written report on the assessment of their suitability as public prosecutors at the end of each year of service, in accordance with Art. 12(2) of the Judicial Service Act. The report must state whether the assessment is positive or negative. In the event of a negative assessment at the end of the first or second year of service, an additional assessment must be conducted after a further six months. The public prosecutor has the right to comment in writing on the assessment. This comment must be attached to the assessment.

- 3) The public prosecutor may terminate the employment relationship during the probationary period. The government must terminate the employment relationship if, based on the annual performance evaluations, the public prosecutor is deemed unsuitable for the position. The notice period is three months during the first year of service, four months during the second year, and six months during the third year.
- 4) In the event of a negative evaluation as part of the annual performance reviews conducted at the end of a service year, the head of the public prosecutor's office may determine that the public prosecutor is unsuitable for the position. The public prosecutor is in any case deemed unsuitable for the position if a second negative evaluation is issued.
- 5) Termination by the government pursuant to paragraph 3 must be justified. The public prosecutor concerned may file an appeal against such termination with the Supreme Court acting as an administrative court.
- 6) The Supreme Court, acting as an administrative court, shall decide on the appeal after hearing the public prosecutor concerned. No fees are payable in the appeal proceedings.
- 7) The probationary period may also be completed in a part-time employment relationship amounting to at least 50% of full-time employment; this does not extend the probationary period.
- 8) The probationary period is extended by the duration of maternity, paternity, or parental leave.

StAG

Art. 35

Oath of
Office

- 1) Before taking office, public prosecutors shall swear to uphold the Constitution and all other laws and to fulfill their duties conscientiously.
- 2) The head of government is responsible for administering the oath of office to public prosecutors.

D. Rights and Duties of Public

Prosecutors Art. 36

General Duties

- 1) Prosecutors are bound by a duty of loyalty to the state and must strictly observe the legal system in force in Liechtenstein. They must

devote themselves fully to their duties, to fulfill the obligations of their office conscientiously, impartially, and selflessly, and to resolve matters pending before the Public Prosecutor's Office as quickly as possible.

2) Prosecutors are required to assist in the training of prospective prosecutors and judges, as well as of interns at the Office of the Public Prosecutor. In accordance with the instructions of the head of the Office of the Public Prosecutor, they shall, in particular, participate in the drafting of statements for public consultations or in working groups concerning the Office of the Public Prosecutor's area of responsibility.

3) Prosecutors must conduct themselves in a manner beyond reproach both on and off duty and must refrain from any conduct that could undermine confidence in the prosecutorial function.

Art. 37

Duty to Follow Instructions

Prosecutors are obligated to comply with instructions in accordance with Art. 8 and 9.

Art. 38 Duty of confidentiality

1) Prosecutors are bound to maintain confidentiality regarding all facts that have come to their knowledge exclusively through their official duties toward any person to whom they are not required to make an official communication regarding such facts.

2) The duty of confidentiality continues unchanged outside of official duties, during retirement, and after termination of employment.

3) Prosecutors may not express their views on the criminal cases they are handling outside of work.

Art. 39

Release from the Duty of Confidentiality

1) If public prosecutors are required to testify in court or before an administrative authority, they must report this to the authority responsible for their supervision, stating the subject matter of the requested testimony.

2) If the interest in the testimony outweighs the interest in confidentiality, public prosecutors may be released from their duty of confidentiality.

3) The authority responsible for releasing a prosecutor from the duty of confidentiality is:

- a) in the case of the head of the public prosecutor's office, the government;
- b) for other public prosecutors, the head of the public prosecutor's office.

Art. 40

Prohibition on Accepting Gifts

Prosecutors are prohibited from accepting gifts or other benefits offered to them or their relatives, directly or indirectly, in connection with the performance of their official duties. They are also prohibited from obtaining or having promised gifts or other benefits in connection with the performance of their official duties.

Art. 40a Continuing

Education

Prosecutors are required to undergo appropriate professional continuing education.

Art. 41

Prohibited Activities

- 1) Public prosecutors may not engage in any activities outside their official duties that could impair the reputation or independence of their office, hinder them in the performance of their official duties, or jeopardize other significant official interests.
- 2) Public prosecutors may not be members of the Landtag or the Government, nor may they serve as mayor or municipal councilor of a Liechtenstein municipality.
- 3) Public prosecutors may not practice as attorneys, patent attorneys, trustees, or asset managers.
- 4) Unless otherwise provided by law, there are no restrictions on serving on commissions and advisory boards appointed by the state parliament or the state government.

Art. 42

Secondary Employment of Prosecutors

- 1) Any employment that a public prosecutor engages in outside of his or her official duties and outside of the activities specified in Art. 41, para. 4, shall be considered secondary employment.
- 2) The acceptance, nature, and extent of secondary employment must be approved by the authority responsible for supervisory oversight.
- 3) The competent authority may prohibit public prosecutors from engaging in secondary employment to the extent that it impedes the fulfillment of their official duties.

Art. 42a

Advisory Office for Prosecutors

Prosecutors may seek confidential counseling from the counseling office pursuant to Art. 25a of the Judicial Service Act, particularly on matters of ethics and integrity.

Art. 43

Salary and Compensation

The financial entitlements of public prosecutors arising from their employment relationship are governed by the Salary Act.

Art. 44

Official Expenses

Reimbursement of business expenses is governed by the relevant regulations for state employees.

Art. 45

Vacati

on

1) The vacation entitlement for public prosecutors is as follows for each calendar year:

- a) 23 working days until the year in which they reach the age of 39;
- b) 25 working days from the year in which the public prosecutor turns 40;
- c) 28 working days from the year in which the public prosecutor turns 50;
- d) 30 working days from the year in which the public prosecutor turns 60.

2) Vacations are scheduled by the head of the public prosecutor's office, taking into account the wishes of the prosecutors, in such a way that office operations are not disrupted.

Art. 46

Vacation and Days Off

1) The granting of paid and unpaid leave, time off, and flexible work arrangements for family reasons, as well as the regulation of days off for public prosecutors, shall be governed by the provisions of the State Personnel Act and the implementing regulations issued thereunder.

2) The head of the Public Prosecutor's Office may, upon written request, grant a public prosecutor unpaid leave of up to 20 working days per calendar year.

3) Unpaid leave of 21 or more working days per calendar year requires the approval of the government.

Art. 46a

Part-time

Work

1) Prosecutors may work part-time with the approval of the head of the public prosecutor's office, provided that this does not interfere with the office's operations.

2) There is no legal entitlement to part-time work or to an increase or reduction in the workload.

Art. 46b

Protection against unjustified attacks and claims

1) The state protects its prosecutors from unjustified attacks and claims if these are related to the performance of their official duties.

2) Subject to paragraph 3, the state shall bear the costs of necessary legal protection in the event of unjustified attacks and claims against public prosecutors.

3) If a public prosecutor has intentionally or through gross negligence breached official duties in connection with such attacks and claims, the assumption of costs for legal protection may be refused in whole or in part.

Art. 47 Data

Protection

The provisions of the State Personnel Act apply *mutatis mutandis* to data protection, in particular the processing and transmission of personal data by public prosecutors.

E. Change of Assignment Art.

48

Temporary Assignment

With their consent and the approval of the head of the Public Prosecutor's Office, public prosecutors may be temporarily assigned by the government to a state administrative office to perform administrative duties.

F. Termination of Employment Art. 49

General Principle

1) Subject to Article 50 of this Act, the termination of the employment relationship of public prosecutors is governed by Article 32(1) (Termination of Employment), Article 33 (Resignation), Article 34 (Age Limit), Article 35 (Removal from Office), Article 36 (Temporary suspension), 37(2) (disciplinary tribunal), and 38(1) and (2) (proceedings before the

) of the Judges' Service Act shall apply *mutatis mutandis*, with the proviso that the powers of the presiding judges shall, in the case of public prosecutors, vest in the head of the public prosecutor's office, and in the case of the head of the public prosecutor's office, in the government.

2) The competent disciplinary tribunal is:

- a) the President of the Supreme Court for the head of the public prosecutor's office and the other public prosecutors;
- b) a disciplinary panel of the Supreme Court consisting of three judges as the appellate body.

Art. 50

Termination

1) The government may terminate the employment relationship with a public prosecutor for significant operational or economic reasons, in particular in the event of a lack of financial resources, provided that a timely reduction of the position through natural attrition is not possible. In this case, the position of the public prosecutor shall be removed from the staffing plan.

2) The prosecutor concerned and the head of the public prosecutor's office must be heard prior to termination pursuant to paragraph 1.

G. Disciplinary

Law, Art. 51

General Principle

1) Articles 39 (Imposition of disciplinary and administrative penalties), 40 (Statute of limitations), 41 (Administrative penalty), 42(1) through 4 (disciplinary penalties), 43(2) through (4) (disciplinary court), and 44 (investigating judge) (ter), 45 (Recusal and Disqualification of Judicial Officers), 46(1) and (2) (Imposition of a disciplinary fine by order), 47 (Preliminary inquiries), 48 (Disciplinary investigation), 49 (Interrogations and determination of the facts), 50 (Inspection of files and supplementation of the disciplinary investigation), 51 (Decisions to dismiss or refer the case), 52 (Oral hearing), 53 (Closed proceedings and publication of the decision), 54 (Content and pronouncement of the decision), 55(1) and (3) (Appeals against the decision), 56 (Decision on reimbursement of costs without oral proceedings), 58 (Dismissal of disciplinary proceedings due to death or resignation), 59 (Suspension of disciplinary proceedings), 60(1) and (2) (Expungement of the disciplinary penalty), 61 (Suspension without oral hearing), 62 (Lifting of the suspension), 63(1) and (3)

(Appeal against the order of suspension), 64 (Reinstatement in favor of the judge), 65(1) and (2) (Decision on the motion for reinstatement), 66 (Effect of reinstatement), 67 (Decision following reinstatement), 68 (Compensation for lost salary), 69 (Reinstatement), 70 (Service of documents), and 71 (Exemption from fees) of the Judicial Service Act apply *mutatis mutandis*.

2) The competent disciplinary court is:

a) the President of the Supreme Court for the Head of the Public Prosecutor's Office and the other public prosecutors;

b) a disciplinary panel of the Supreme Court consisting of three judges as the appellate body.

3) Once the decision of the disciplinary court has become final, it shall be communicated to the head of the Public Prosecutor's Office and the government.

Agreement
of March 29, 1923

between Switzerland and Liechtenstein on the

XVIII. the incorporation of the Principality of Liechtenstein into the Swiss customs territory

The Swiss Federal Council and

His Serene Highness the Ruling Prince of Liechtenstein

desiring to make the friendly relations existing between Switzerland and the Principality of Liechtenstein more solid and closer, and with the intention of concluding a treaty on the accession of the Principality of Liechtenstein to the Swiss customs territory, subject to the sovereign rights of His Serene Highness the Prince of Liechtenstein,

have appointed the following as their authorized representatives for this purpose:

The Swiss Federal Council,

Federal Councilor

Dr. jur. Giuseppe Motta,

Head of the Federal Political Department, His Serene

Highness the Ruling Prince of Liechtenstein, *Dr. jur. Emil Beck,*

Princely Liechtenstein Chargé d’Affaires in Switzerland,

who, having found their full powers to be 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 shall be incorporated into the Swiss customs territory and shall form an integral part thereof.

2) Therefore, for the duration of this Treaty, no duties may be levied and no restrictions or prohibitions on imports or exports may be imposed at the Swiss-Liechtenstein border by either party, unless such measures are declared permissible in trade between cantons.

Art. 2

- 1) All taxes levied pursuant to the federal legislation applicable in the Principality under Article 4 of this Treaty and the international treaties applicable under Article 7, as well as fines imposed under Swiss law, shall be paid in Swiss currency.
- 2) The Swiss Confederation, for its part, shall likewise pay the amounts due to the Principality under this Treaty in Swiss currency.

Art. 3

Written correspondence between the federal and the Princely Liechtenstein authorities may take place directly and without recourse to diplomatic channels, insofar as it concerns the application of the present Treaty.

2. Section

Federal legislation applicable in Liechtenstein

Art. 4

1) Pursuant to the customs union, the provisions in force at the time of the entry into force of this Treaty and those coming into force during its term shall apply in the Principality of Liechtenstein in the same manner as in Switzerland:

1. of the entire Swiss customs legislation;
 2. the remaining federal legislation, to the extent that the customs union requires its application.
- 2) Excluded from these provisions are all those provisions of federal legislation that establish a federal tax liability.

Art. 5

1) The Principality of Liechtenstein shall, insofar as the Swiss Federal Council deems it necessary, for the territory of the Principality

1. enforce federal legislation on industrial, literary, and artistic property, as well as all other federal legislative acts applicable on a subsidiary basis in its implementation, within the territory of the Principality, and recognize the jurisdiction of the federal authorities arising from these laws and the relevant federal ordinances as extending to the territory of Liechtenstein;

territory

2. apply the international agreements on industrial, literary, and artistic property to which Switzerland is a party, as well as the special agreements concluded by Switzerland with other countries regarding these areas of law, in accordance with Article 7 of the Treaty.

2) The Swiss Confederation shall, should the Principality of Liechtenstein for its part previously express its willingness to recognize the legal provisions set forth in this Article for the territory of Liechtenstein and to apply the aforementioned international agreements within the Principality, be prepared to enter into a corresponding arrangement at any time.

Art. 6

With regard to the legislation to be applied in the Principality pursuant to Articles 4 and 5, the Principality of Liechtenstein shall enjoy the same legal status as the Swiss cantons.

Art. 7

By virtue of this Treaty, the trade and customs treaties concluded by Switzerland with third states shall apply in the Principality of Liechtenstein in the same manner as in Switzerland, provided that Switzerland reserves its obligations arising from existing treaties.

Art. 8

1) During the term of this Treaty, the Principality of Liechtenstein shall not conclude any trade or customs treaties with any third state on its own.

2) The Principality of Liechtenstein authorizes the Swiss Confederation to represent it in negotiations with third countries regarding the conclusion of trade and customs agreements that take place during the term of this Agreement, and to conclude such agreements with effect for the Principality.

3) In the case of trade and customs agreements with Austria, the Princely Government shall be consulted prior to the conclusion of such agreements.

Art. 8bis

1) The right of the Principality of Liechtenstein to become a contracting party to international agreements or a member state of international organizations to which Switzerland belongs shall not be restricted by this Agreement.

2) If Switzerland is not a party to such conventions or organizations, the membership of the Principality of Liechtenstein requires a special agreement between the Swiss Confederation and the Principality of Liechtenstein.

Art. 9

1) The federal laws applicable in the Principality of Liechtenstein upon the entry into force of this Treaty are listed in Annex I, and the international treaties applicable in Liechtenstein are listed in Annex II of this Treaty.

2) The Princely Government shall publish these provisions in an appropriate manner prior to the entry into force of this Agreement.

Art. 10

1) All additions and amendments to the federal legislation mentioned in Annex I and to the international treaties mentioned in Annex II shall be communicated by the Swiss Federal Council to the Princely Government and shall likewise be publicly announced by the latter.

2) The same procedure shall apply to federal laws, federal decrees, and ordinances that come into force during the term of this Agreement and fall under Article 4 of this Agreement, as well as to international treaties that the Swiss Confederation, acting as the authorized representative of the Principality of Liechtenstein, concludes with third states during the term of this Agreement.

3. Section

Customs

Service Art.

11

Customs protection of the Liechtenstein-Austrian border shall be provided by the Swiss Customs Administration.

Art. 12

At the request of the Swiss customs authorities, the Princely Government shall ensure that the course of the border with 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 shall be designated as "Swiss Customs Offices in the Principality of Liechtenstein" and shall bear the coats of arms of both states.

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 Federal Customs Administration, with notification to the Princely Government.

Art. 15

1) For customs clearance in rail traffic to and from the Principality, customs offices shall be established at the Schaan–Vaduz and Nendeln stations.

2) The Swiss Customs Administration will determine the clearance authority of these customs offices in accordance with traffic requirements.

3) For express trains that do not stop within the territory of the Principality, customs clearance takes place in Buchs.

4) The Schaanwald stop is discontinued. Art. 16

1) The Princely Government shall provide the necessary customs office buildings and maintain them in a 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 shall bear the costs of housing the border guards.

2) Should the Swiss Customs Administration be unable to procure the necessary accommodation for the border guard personnel, the Princely Government shall provide for their accommodation. In this case, the Swiss Customs Administration shall pay compensation for the premises used corresponding to the local market rent.

Art. 18

All authorities of the Principality of Liechtenstein shall provide Swiss customs officials and employees with the same assistance in the performance of their duties as the cantonal authorities do on Swiss territory.

4. Section

Customs Personnel

Art. 19

1) Customs officials and employees in the Principality of Liechtenstein are appointed, paid, and dismissed by the Swiss authorities. In all

matters of service, particularly with regard to discipline, exclusively to the Swiss authorities.

2) The Princely Government shall issue identification documents to the customs officials and employees who perform their duties within the territory of the Principality.

Art. 20

Swiss border guards shall also wear the uniform and carry the weapons of the Swiss Border Guard Corps in the Principality of Liechtenstein.

Art. 21

1) Any change in the composition of the Swiss personnel serving in the Principality of Liechtenstein shall be communicated to the Princely Government. Any justified concerns expressed by the Princely Government regarding the stationing of an official or employee within the territory of the Principality shall be taken into account by the Swiss Customs Administration.

2) Likewise, the Swiss authorities shall, as far as possible, take into account any requests made by the Princely Government, for public policy reasons, regarding the transfer of officials and employees stationed within the territory of the Principality.

Art. 22

Swiss civil servants and employees stationed in the Principality of Liechtenstein shall, provided they hold Swiss citizenship, be exempt from all taxes and personal contributions, with the exception of:

1. indirect taxes,
2. property taxes.

Art. 23

Swiss civil servants and employees stationed in the Principality of Liechtenstein, and their family members living with them in the same household, provided they are Swiss nationals, shall have their civil-law domicile in Buchs.

Art. 24

1) Criminal offenses committed in the Principality of Liechtenstein by Swiss civil servants and employees of Swiss nationality stationed there, and by family members of Swiss nationality living in the same household with them, shall be prosecuted and adjudicated by the authorities that would be competent to prosecute and adjudicate if the criminal

territory

had been committed in the district of Werdenberg. In such cases, the criminal law and criminal procedure law in force in the Canton of St. Gallen shall apply.

2) The Princely Government shall have the accused or convicted person arrested upon request by the competent Swiss authority or, where appropriate, on its own initiative; however, it must in any case immediately hand him over to the Swiss authorities.

3) The Princely authorities shall furthermore take the necessary measures to ensure security and grant the competent Swiss authorities any requested legal assistance.

4) The Swiss authorities competent to prosecute such criminal offenses shall be authorized, after prior notification to the Princely Government, to enter the territory of the Principality of Liechtenstein and to carry out official acts there.

5) This Article shall not apply to members of the Swiss Border Guard Corps, subject to Art. 25(4).

Art. 25

1) Criminal offenses committed within the territory of the Principality of Liechtenstein by members of the Swiss Border Guard Corps stationed there shall be prosecuted and adjudicated by the Swiss military court designated as competent by the Swiss Federal Council.

2) The organs of the Swiss military justice system are authorized, for the purpose of prosecuting such criminal offenses, to enter the territory of the Principality and to carry out official acts there, following prior notification to the Princely Government.

3) The princely judicial authorities are obligated to provide mutual legal assistance to Swiss military courts in the same manner as cantonal courts on Swiss territory.

4) With regard to criminal offenses not provided for in federal military criminal law, Art. 24 also applies to members of the Border Guard Corps.

Art. 26

1) A number of Liechtenstein nationals, to be determined by the Customs Administration, may be employed in the Swiss customs service, with the exception of service in the Border Guard Corps.

2) The Swiss Customs Administration reserves the right to deploy Liechtenstein nationals employed in the Swiss Customs Service outside the territory of the Principality as well.

5. Section

Prosecution and Punishment of Violations of Federal Legislation Applicable in Liechtenstein

Art. 27

1) Violations of federal legislation applicable in the territory of the Principality of Liechtenstein pursuant to this Treaty shall be prosecuted and adjudicated in accordance with the Federal Act of June 30, 1849, on the Procedure for Violations of Federal Fiscal and Police Laws, provided that such procedure is provided for in the federal legislation.

2) The Cantonal Court of the Canton of St. Gallen is designated as the appellate court pursuant to Art. 17(5) of the Federal Act of June 30, 1849, and the Court of Cassation of the Swiss Federal Supreme Court is designated as the court of cassation pursuant to Art. 18.

Art. 28

1) Violations of federal legislation applicable in the Principality of Liechtenstein under this treaty that are not to be prosecuted in accordance with the Federal-Act of June 30, 1849, concerning the procedure for violations of federal fiscal and police laws, shall be adjudicated by the Princely District Court, provided that the adjudication of such violations is either assigned directly to the cantonal courts by federal legislation or referred to the Princely District Court by decision of the Federal Council or an authority designated by it.

2) Appeals against judgments rendered by the Princely District Court shall be brought before the Cantonal Court of the Canton of St. Gallen in accordance with St. Gallen criminal procedure law.

3) The right to file a cassation appeal 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 remains reserved to the extent that it is provided for under federal legislation applicable in the Principality of Liechtenstein pursuant to Article 4 of this Treaty.

Art. 31

With regard to the enforcement of penalties imposed in accordance with federal legislation applicable within the territory of the Principality of Liechtenstein pursuant to this Treaty, the Principality shall enjoy the same legal status as the Swiss cantons.

Art. 32

The right to grant pardons with respect to penalties imposed pursuant to federal legislation applicable in the territory of the Principality of Liechtenstein under the present Treaty shall be vested exclusively in the Swiss authorities.

6. Section

Administration of the Immigration Police

Art. 33

1) The Swiss Confederation agrees to refrain from exercising immigration border controls at the Liechtenstein-Swiss border, provided and as long as the Principality of Liechtenstein ensures that circumvention of Swiss regulations regarding immigration, settlement, residence, etc., is prevented.

2) In such cases, the Swiss customs authorities shall carry out immigration border controls at the Liechtenstein-Vorarlberg border free of charge on the basis of agreements between the two governments.

3) Should, however, special measures taken by the Liechtenstein Government—not required by the Swiss Federal Council—necessitate an increase in customs personnel for the conduct of border controls, the Princely Government shall bear the resulting costs.

4) The final decision as to whether the measures taken by the Principality of Liechtenstein pursuant to paragraph 1 of this Article are sufficient rests exclusively with the Swiss Federal Council.

5) The two governments shall consult with each other regarding the implementation of this article, both in general and in specific cases where disputes arise.

Art. 34

- 1) The Swiss Confederation reserves the right to resume immigration border controls 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 incurred as a result of the need to conduct immigration border controls at the Swiss-Liechtenstein border.

7. Section

Financial Contributions by the Confederation to the Principality of Liechtenstein

Art. 35

1)

1. As a share of the revenue from customs duties and fees collected in accordance with the federal legislation applicable in the Principality of Liechtenstein under this Treaty, the Principality of Liechtenstein shall be reimbursed, per capita of its resident population, the same amount as would result for Switzerland if the revenue of the Swiss customs administration, less its expenditures, were divided by the total number of residents of Switzerland and Liechtenstein.

2. The revenue of the customs administration shall be deemed to be the revenue amounts shown in the national accounts of the Swiss Confederation for the year for which the share is paid under the heading "Customs Administration," including the shares of the Principality of Liechtenstein, but excluding revenue amounts for subleases and customs and monopoly fines. The expenditures of the Customs Administration shall be the expenditure amounts reported in the Swiss Confederation's national accounts under the heading "Customs Administration."

The resident population is defined as the population determined to be residing in Switzerland or Liechtenstein based on the results of the most recent census.

2) The total amount includes any federal contributions that would be justified under the adopted federal legislation but are not paid in the Principality pursuant to Art. 4, para. 2 above, 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 customs administration, as provided for in Art. 35(1), may be amended by agreement between the two governments if a material change in the relevant factual circumstances so requires.

Art. 37

The Federal Tax Administration shall keep a separate account of the revenue received from the Principality of Liechtenstein pursuant to the Federal Act of June 27, 1973, on Stamp Duties. At the end of each calendar year, these revenues shall be settled, and the amount of net revenues, less the share of administrative costs, shall be paid to the Princely Government. The Swiss Confederation's share of administrative costs consists of 1% of the net revenues plus 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 Agreement, the Principality of Liechtenstein shall adopt the implementing provisions necessary for the enforcement of the federal legislation applicable in Liechtenstein. Such provisions are subject to the approval of the Federal Council to the extent that such approval is required for the corresponding cantonal implementing provisions.

Art. 39

The Swiss Customs Administration shall issue the necessary implementing provisions for this Agreement.

Art. 40

The Princely Government undertakes to implement, during the transitional period, all precautionary measures required by the Swiss customs authorities to prevent the speculative importation of goods into the Principality and the circumvention of federal regulations prohibiting the importation of foreign silver coins and banknotes.

Art. 41

- 1) This Treaty is concluded for a term of five years.
- 2) Unless one of the contracting parties has given notice of its intention to terminate the treaty one year prior to the expiration of this term, the treaty shall remain

remain in force without further action after the expiration of the five years, whereby both parties shall have the right to terminate the treaty at any time with one year's notice.

Art. 42

Amendments to this Agreement may be agreed upon by mutual consent even without formal notice of termination.

Art. 43

Any disputes arising from the interpretation of this Agreement shall, unless they can be settled through diplomatic channels, be submitted to an arbitral tribunal for adjudication. In such a case, each of the contracting parties shall appoint an arbitrator. If the two arbitrators cannot agree on the matter in dispute, they shall appoint a presiding arbitrator.

Art. 44

This Treaty shall be ratified, and the exchange of instruments of ratification shall take place in Bern as soon as possible.

Art. 45

This Treaty shall enter into force on January 1, 1924.

In witness whereof, the plenipotentiaries have signed and sealed this Treaty.

Done at Bern, in duplicate, on the twenty-ninth of March, nineteen hundred and twenty-three (March 29, 1923).

For the
Swiss Confederation: signed *Motta*

For the
Principality of
Liechtenstein: signed *E.
Beck*

**Final Protocol to the
Swiss-Liechtenstein Customs Union Agreement**

1. Repealed

2. The contracting parties further agree that the grazing of Liechtenstein livestock in the Vorarlberg Alps shall, in accordance with Art. 75(3) of the Implementing Ordinance to the Federal Act on the Control of Animal Diseases of August 30, 1920, subject to compliance with the provisions of federal legislation adopted by the Principality of Liechtenstein pursuant to this Agreement.

Insofar as Liechtenstein summer grazing livestock housed in the Vorarlberg Alps must undergo quarantine upon return home as a result of these provisions, it is agreed that this quarantine shall be carried out on Liechtenstein territory, provided the necessary veterinary health prerequisites for this are met.

3. It is agreed that the collection of stamp duties under federal stamp legislation in the Principality of Liechtenstein shall be waived in those cases where such collection conflicts with certain obligations of the Princely Government entered into prior to January 27, 1923.

4. The Princely Government shall provide the Swiss Federal Customs Administration, within a reasonable period of time, with the necessary evidence that the obligations incumbent upon it under Articles 16, 38, and 40 of the foregoing Agreement will be fulfilled by January 1, 1924. Should the Swiss Federal Council determine that the conditions set forth in the aforementioned three articles have not been met by that date, it shall be entitled to postpone the entry into force of the treaty until such conditions are met.

Bern, on the twenty-ninth of March, nineteen hundred and twenty-three (March 29, 1923).

For the
Swiss Confederation: signed *Motta*

For the
Principality of
Liechtenstein: signed *E.
Beck*

Annex I

Regarding the Agreement on the Customs Union between the Principality of Liechtenstein and Switzerland

List of federal enactments applicable in the Principality of Liechtenstein

Annex II

to the Agreement on the Customs Union between the Principality of Liechtenstein and Switzerland

List of Swiss trade and customs treaties that apply in the Principality of Liechtenstein in the same manner as in Switzerland

Implementation Act
of May 13, 1924, on
the

XIX. the Customs Agreement with Switzerland

of March 29, 1923
enacted on May 13, 1924

I hereby approve the following resolutions, which were adopted by the State Parliament at its session on January 11, 1924, pursuant to Article 8 of the Constitution and in implementation of Article 38 of the State Treaty with Switzerland concerning the Principality's accession to the Swiss customs territory of March 29, 1923 (hereinafter referred to as the "State Treaty").

1. Section

General Provisions

A. Applicable Federal Law

Art. 1

I. Scope

1) During the term of the Customs Treaty, the provisions currently in force in Switzerland and those that come into legal effect during the term of the Treaty shall apply in the Principality of Liechtenstein:

- a) of the entire Swiss customs legislation;
- b) the remaining federal legislation, to the extent that customs affiliation requires its application.

2) Excluded from this are all provisions of federal legislation that establish a federal contribution obligation (Art. 4 ZV).

3) For the duration of the Customs Treaty, the Principality, as part of the Swiss customs territory, shall assume the status set forth in Articles 1 and 6 of the Customs Treaty.

4) For the duration of the Customs Treaty, the trade and customs treaties that Switzerland has concluded and will conclude with third states shall apply in the Principality (Art. 7 and 8 of the Customs Treaty).

5) All monetary payments to be made pursuant to the federal legislation and international treaties applicable in the Principality under the Customs Treaty (Art. 4 and 7 of the Customs Treaty) must be made in Swiss currency.

Art. 2

II. Entry into Force

1) The provisions applicable in Liechtenstein under the Customs Treaty shall, to the extent that they are already in force in Switzerland upon the entry into force of the Customs Treaty, also become binding for the territory of the Principality at that time.

2) Repealed

Art. 3

III. Declaration of Applicability

1) The Government shall examine whether the provisions designated as applicable by the competent federal authorities form part of the federal legislation referred to in Art. 4 of the Customs Agreement and shall submit them to the Landtag for information as soon as possible.

2) However, it shall, to the extent possible, consult the Landtag regarding its wishes if the Swiss Federal Council notifies it, pursuant to Art. 8(3) of the Customs Agreement, of its intention to conclude a trade and customs agreement with Austria.

Art. 4

IV. Publication

1) The government shall publish the entry into force of all federal provisions applicable under the Customs Treaty in the Federal Gazette in a timely manner, stating the full title, and shall include a relevant government resolution in the Federal Law Gazette.

2) It shall also compile a list of all such provisions and keep it updated.

3) A collection of all decrees and international treaties applicable in Liechtenstein shall be made available for public inspection at the Government Chancellery during office hours.

B. The

Authorities Art.

5

I. In general

1) Insofar as the application of Swiss federal legislation is relevant under the Customs Treaty, written correspondence between the federal and princely authorities shall take place directly.

2) The officials and employees of the Confederation entrusted with the implementation of the Customs Treaty shall be granted the right of free

movement and to perform statutory official acts, and the authorities shall grant them the same assistance as the cantonal authorities are obliged to provide on Swiss territory.

3) Where the applicable federal legislation refers to authorities of any kind, this shall be understood to include the Liechtenstein judicial and administrative authorities.

4) The appointment of an arbitrator pursuant to Art. 43 of the Customs Treaty shall be made by the Prince on the recommendation of the Landtag.

II. Administration

Art. 6

1. Jurisdiction

1) Where federal law provides for the jurisdiction of administrative authorities under cantonal law (such as the Government, departments, district, and county authorities), the Government and its departments shall have jurisdiction, unless such jurisdiction is reserved for a municipal or local authority.

2) In the latter case, the mayor acts as the executive authority, while the municipal council acts as the advisory authority, unless the clear wording of Liechtenstein or Swiss law provides otherwise.

3) Where federal law designates the municipal police authorities as competent, the mayor is responsible. In all other cases, the powers delegated to the cantonal police authorities are vested in the government.

4) The government is also responsible for dealing with the organs of the federal administration when they act on the basis of the Customs Treaty.

2. The Procedure

Art. 7

a) In general

1) The procedure in administrative matters is governed by the Act on General Administrative Proceedings in Administrative Matters, including the provisions on administrative enforcement proceedings, as well as the Administrative Penal Code, unless otherwise provided by specific federal statutes.

2) If, under the applicable federal legislation, the right of appeal in administrative matters extends to a federal authority, the contested decision of the Government shall be forwarded to that authority, and recourse to the Administrative Court is excluded.

Art. 8

b) In Police Matters

1) With regard to criminal proceedings for police offenses under federal law, the provisions of the Administrative Penal Code shall apply, subject to the appeals to a federal authority provided for in federal law.

2) Where the applicable legislation provides for the referral of decisions or orders of an administrative authority in police criminal matters to a court, the following applies:

a) The government shall designate in advance the competent administrative authority, either on a case-by-case basis or generally, for the issuance of orders or decisions in police criminal matters.

b) Appeals against these penal orders or decisions shall be filed with the administrative authority that issued the order or decision, in accordance with the provisions of the Administrative Penal Code, for the attention of the Regional Court as the appellate court.

Art. 9

3. Substantive Law

1) The Administrative Penal Code and, with the exception of the provisions on penalties for disobedience, the Administrative Enforcement Procedure shall apply to acts or omissions that are prohibited or required under this Act or under applicable federal legislation, or that are declared prohibited or required by the Government in implementation of the Customs Treaty.

2) The provision of Art. 54(4) of the Law on General State Administration applies to penalty orders issued by municipal authorities.

3) The status of customs personnel under Articles 19 through 22 of the Customs Convention with respect to administrative law, particularly in tax matters, remains reserved.

III. Jurisdiction Art. 10

1. Civil Matters

1) Where, under applicable federal law, the Liechtenstein courts have jurisdiction in civil matters, the District Judge shall decide in the first instance, subject to appeal to higher courts. Liechtenstein private law shall apply supplementarily, unless the applicable law provides otherwise.

2) Swiss civil servants and employees stationed in the country, as well as their family members living with them in the same household, shall, to the extent that they are Swiss nationals, have their civil domicile in Buchs.

3) This provision does not affect other jurisdictions or the applicable law, insofar as they do not depend on the domicile under civil law (e.g., the jurisdiction and applicable law governing the location of the subject matter).

2. Criminal Matters

Art. 11

a) In general

1) Violations of applicable federal legislation are punishable under the penal provisions thereof.

2) For penalties imposed in application of Swiss federal legislation, the federal authorities have the right to grant pardons (Art. 32 ZV).

Art. 12

b) Jurisdiction

1) Where, under applicable federal law, the Liechtenstein courts have jurisdiction in criminal matters, the court that has jurisdiction based on the penalty prescribed in the applicable federal legislation pursuant to §§ 13 to 15 of the Liechtenstein Code of Criminal Procedure shall decide in the first instance.

2) Repealed

3) The right to appeal to higher Liechtenstein courts is reserved, unless the Customs Treaty (Art. 27 et seq.) provides otherwise.

4) Likewise, the jurisdiction of the Federal Criminal Court remains reserved to the extent that it is established under the federal legislation applicable in the Principality pursuant to Art. 4 of the Customs Treaty (Art. 30 CT).

c) The Procedure

Art. 13

aa) In general

1) Proceedings before the courts in cases of violations of applicable federal legislation are governed primarily by the provisions of the Customs Treaty and, in all other respects, by the Liechtenstein Code of Criminal Procedure.

2) Appeals against judgments of Liechtenstein courts (Art. 12 of this Act) pursuant to Art. 27 and 28 of the ZV are filed with the Cantonal Court in St. Gallen. In appeal proceedings, the provisions of the Swiss Criminal Procedure Code, as amended, apply.

3) The right to file a complaint within the meaning of the Code of Criminal Procedure, with the exception of appeals against judgments to the Liechtenstein higher courts, is also reserved in these cases.

4) The right to file a cassation appeal pursuant to Art. 106 et seq. of the Federal Act on the Organization of Federal Justice against such judgments is reserved (see Annex).

Art. 14

bb) Notice of Remedies

1) Unless otherwise provided by applicable Swiss legislation, every administrative authority must expressly state in its decisions or orders whether they are subject to further appeal and, if so, indicate where the appeal is to be filed along with the time limit for filing.

2) The notice must indicate that appeals may be filed orally for the record or by means of a written submission.

3) If the decision specifies an incorrect time limit for filing an appeal and that time limit is longer than the statutory period, the right to appeal is preserved for the duration of that longer period. If a shorter time limit is specified, the statutory period applies; and if the notice of appeal is missing entirely, the time limit for filing an appeal does not begin to run.

4) If the notice does not specify the correct filing office but instead incorrectly designates another office to receive the appeal, the appeal period is still deemed to have been observed even if the appeal was submitted to the incorrect office.

5) The latter office must forward the appeal ex officio to the competent office.

Art. 15

d) Enforcement

1) The Principality of Liechtenstein enjoys the same legal status as the Swiss cantons with regard to the enforcement of penalties imposed in accordance with applicable federal legislation (Art. 31 ZV).

2) The proceeds from fines and penalties imposed in accordance with the provisions applicable under the Customs Treaty and payable to the Principality shall accrue to the State.

e) Special Status of Customs Personnel

Art. 16

aa) Officials, Employees, and Their Family Members

1) Criminal offenses committed in the Principality of Liechtenstein by Swiss civil servants and employees of Swiss nationality stationed here, and by family members of Swiss nationality living in the same household shall be prosecuted and adjudicated by the authorities that would be competent to prosecute and adjudicate if the criminal offenses had been committed in the district of Werdenberg, unless the Government, in agreement with the competent federal authorities, orders otherwise. In such cases, the criminal law and criminal procedure law in force in the Canton of St. Gallen shall apply.

2) The Princely Government shall have the accused or convicted person arrested upon request by the competent Swiss authority or, where appropriate, on its own initiative; however, it shall in any case immediately hand him over to the Swiss authorities.

3) The Princely authorities shall furthermore take the measures necessary to ensure security and grant the competent Swiss authorities any requested legal assistance.

4) The Swiss authorities competent to prosecute such criminal offenses shall, after prior notification to the Princely Government, be authorized to enter the territory of the Principality of Liechtenstein and to carry out official acts there.

5) This article does not apply to members of the Swiss Border Guard, subject to Article 25(4) of the Customs Treaty.

Art. 17

bb) Border Guard Corps

1) Criminal offenses committed within the territory of the Principality of Liechtenstein by members of the Swiss Border Guard Corps stationed there shall be prosecuted and adjudicated by the Swiss military court designated as competent by the Swiss Federal Council, unless the Government, in agreement with the competent federal authorities, orders otherwise.

2) The organs of the Swiss military justice system shall be entitled, for the purpose of prosecuting such criminal offenses, to enter the territory of the Principality of Liechtenstein and to perform official acts there, following prior notification to the Princely Government.

3) The Princely judicial authorities are obligated to provide mutual legal assistance to the Swiss military courts in the same manner as the cantonal courts on Swiss territory.

4) With regard to criminal offenses not provided for in the Swiss Federal Military Criminal Code, Article 24 of the Customs Treaty also applies to members of the Border Guard Corps.

2. Section

Special Administrative

Branches Art. 18

A. Precious Metals

1) Gold, silver, and platinum articles and substitutes for such articles imported from countries outside the customs territory are subject to mandatory federal precious metals import controls upon entry and must, for this purpose, be forwarded by the customs office of entry to the competent control office for gold and silver articles.

2) Gold, silver, and platinum articles and substitutes for such articles exported from the Principality of Liechtenstein to Switzerland must comply with Swiss legal provisions regarding the control and guarantee of the fineness of precious metal articles.

3) Gold, silver, and platinum articles and substitutes for such articles exported from the Principality of Liechtenstein or via Liechtenstein to foreign countries are subject to the same provisions as those applicable to articles of the same kind exported from Switzerland.

4) Persons domiciled in the Principality of Liechtenstein who wish to trade in precious metals in Switzerland must obtain a federal license

to trade in precious metals, for the granting of which the same conditions apply as for firms established in Switzerland, and are subject to the obligations applicable to Swiss-authorized firms for the conduct of this trade.

B. Alcohol

Monopoly Art. 19

I. In general

- 1) The production of spirits not subject to the monopoly for the purpose of sale requires a license from the Government.
- 2) The government supervises this activity.
- 3) It may revoke the license if the legal provisions are not complied with.
- 4) Any distiller who wishes to sell distilled spirits is bound by the provisions of this law.

II. Serving and retail sale of distilled spirits Art. 20

1. Requirement for a License

- 1) The sale of undenatured spirits may only take place with a valid license. Such spirits may only be served for consumption on the premises in restaurants and bars.
- 2) With the exception of restaurants, the sale of spirits may not take place in quantities of less than one liter.

Art. 21

2. Applications

Applications for such permits must be submitted in writing by the applicants to the municipal council by November 30 for the following year and must contain specific and reliable information regarding the estimated quantity and value of each individual beverage subject to licensing that is to be sold.

Art. 22

3. Investigations

Customs Agreement with Switzerland

The municipal councils shall examine the applications with regard to the accuracy of the information provided, as well as the qualifications of the applicant, and shall conduct investigations if necessary. The applications shall then be forwarded to the government, accompanied by a relevant report.

Art. 23

4. Granting of the License

- 1) Permits are granted by the government based on the reports of the municipal councils. In cases of doubt, both the government and the municipal councils are obligated to conduct further investigations on their own initiative and, in particular, to request the submission of books and invoices.
- 2) An appeal against decisions of the government may be filed with the Administrative Court within a period of 14 days.

Art. 24

5. Requirements. Personal

- 1) Licenses are granted only to individuals who are legally competent, have a good reputation, and can guarantee that the business will be conducted in a manner that does not violate any laws.
- 2) If the business is operated on behalf of a company, a legal entity, a person under guardianship, or a person for whom a guardian has been appointed, the license must be issued in the name of the managing director, who must therefore meet the aforementioned requirements.

6. Duration

Art. 25

Permits are issued for the duration of one calendar year. For newly established businesses, the permit may also be issued during the course of the year. Art. 26

- 1) Licenses are granted exclusively for street vending.
- 2) Peddling spirits of any kind is prohibited.
- 3) The sale of spirits outside of restaurants and bars is prohibited before 8 a.m. and after 8 p.m.

Art. 27

7. Prohibitions

- 1) The sale of distilled spirits is prohibited:
 - a) to persons who are intoxicated;
 - b) to habitual drinkers;

- c) to persons under the age of 18;
 - d) to inmates of mental institutions, as well as alcohol rehabilitation centers and similar institutions;
 - e) to persons subject to a ban on entering taverns or who are not permitted to visit taverns, such as inmates of poorhouses, etc.
- 2) The retail sale and serving of distilled spirits is prohibited in barracks-style establishments.

Art. 28

8. Enforcement

- 1) In addition to the district magistrates, the municipal mayors and their police authorities are also obligated to ensure compliance with the provisions of the federal law and this law concerning the alcohol monopoly.
- 2) Upon becoming aware of violations of the applicable regulations, these authorities shall draw up a report of the offense and forward it through the government to the competent federal authority.
- 3) In the event of violations of the provisions of this Act concerning the alcohol monopoly, the municipal authorities shall report to the government.
- 4) The government shall determine the spirits tax by ordinance in consultation with the Finance Commission.

9. Penal Provisions

Art. 29

- 1) Violations of the provisions of this law concerning the alcohol monopoly, in particular false statements regarding the scope of business operations or the sale of distilled spirits without a license, shall be punishable by the government with fines ranging from 10 to 200 francs; in addition, the offender must pay the amount of the fee allegedly evaded.
- 2) In the event of a repeat offense, the above fines may be doubled, and the offender's license may also be revoked.
- 3) If the offender fails to pay the fine imposed within a specified period, the license shall be revoked without further notice.

Art. 30

Holders of licenses to sell spirits must have their licenses confirmed by the government within one month of a public notice. The government may grant this confirmation only if the municipal authorities affirm the need for it.

C. Stamp and Coupon Tax

1) The collection of stamp taxes in accordance with the provisions of federal law shall be governed by special implementing regulations issued by the Federal Tax Administration in agreement with the Princely Government.

2) A final decision by the Federal Tax Administration or the Swiss Federal Supreme Court regarding the legal nature of a document or a legal relationship in accordance with the provisions of federal legislation on stamp duties is binding on the Liechtenstein administrative and judicial authorities when levying the coupon tax pursuant to Section 5 of the Tax Act. In this regard, the unconditional payment of the stamp duty by the taxpayer is equivalent to a final decision on the legal nature of the document or legal relationship.

3) Section III of the Final Protocol to the Customs Treaty remains reserved.

D. Epidemics Endangering

Public Health Art. 32

I. Authorities

1) The general management of epidemic control measures in the event of outbreaks of smallpox, Asian cholera, typhus (war typhus, famine typhus, etc.), and the plague is the responsibility of the government, which is assisted by the public health officer in an advisory capacity.

2) A health commission is appointed in each district to oversee and implement the relevant measures.

3) These commissions consist of five members each, with an equal number of alternates, who are elected by the State Parliament for a term of three years.

4) In professional matters, they are subject to the supervision of the district medical officer or the state veterinarian, and in all other respects to the government.

5) There is a duty to serve. Refusal to serve is punished by the government in accordance with Article 18 of the Law on General Provincial Administration.

II. Preventive Measures Art.

33

1. In general

1) Upon the approach of any of the epidemics listed in Art. 41, the health commissions shall ensure that everything that could facilitate the spread of the disease is eliminated as far as possible.

2) In particular, they must focus on the control of food and beverages.

Art. 34

2. Drinking Water and Wells

1) Drinking water from wells, soda springs, and cisterns that is not entirely above suspicion must be tested. If its purity appears doubtful, chemical and microscopic examinations shall be conducted by the agency designated by the government.

2) Wells, soda fountains, and cisterns proven to supply impure water must be sealed immediately.

3) For flowing wells, the supply pipe must be cut off for this purpose; for soda fountains, the draw rod must be removed or secured with a chain fitted with a lock.

4) Any contamination of springs and spring areas, streams, and rivers from which water is drawn for drinking purposes is prohibited.

Art. 35

3. Buildings, etc.

1) Houses or individual apartments that are densely populated, or in which businesses are operated that have a harmful effect on the surrounding area or may contribute to the spread of the epidemic, shall be subject to special inspection.

2) The government may order the partial or complete evacuation of such houses or the cessation of operations of harmful businesses, as well as any necessary disinfection.

3) Latrines, cesspools, and drainage channels must be carefully monitored, and any conditions that endanger public health must be remedied immediately.

Art. 36

III. Special Epidemic Control

1) All diseases falling under the epidemic police must be reported to the mayor immediately upon their outbreak, within the first 12 hours in the case of cholera, and within 24 hours for all other diseases.

2) If a doctor is called immediately, he is obligated to notify the mayor; otherwise, the occupant of the dwelling, or if the occupant is affected, any adult member of the household, is obligated to do so.

3) The mayor shall immediately notify the public health officer.

4) If the mayor becomes aware of the occurrence of an acute epidemic disease, even without having received a direct report, he must verify the situation and inform the public health officer.

5) The public health officer will provide the municipal leaders and physicians with special reporting forms and instructions.

IV. Measures to Prevent the Spread of Epidemics

1. Isolation

Art. 37

a) Location

1) Any person suffering from smallpox, Asian cholera, typhus (war typhus, famine typhus, etc.), or the plague must be isolated in their home with the person designated to care for them.

2) Until a member of the Health Commission or the public health officer arrives, the attending physician must issue the necessary orders, in particular ensuring that the patient is isolated in his or her home and that the other members of the household do not leave the home.

3) If adequate isolation of the patient in his or her home cannot be achieved, the patient must be transported to the designated isolation facility. Exceptions are permitted only if the patient's condition makes transport to the isolation facility appear dangerous.

b) Place of Isolation

Art. 38

aa) In general

1) Proper isolation of the sick person in his or her home requires:

a) that they have a room to themselves or share it only with others suffering from the same illness;

- b) that this room meets the requirements for a sickroom;
- c) that the persons providing care and nursing services must remain with the patients, whether in their rooms or in a room separate from the other living quarters of the house, must not associate with the other residents, and must not engage in any business activities.

Art. 39

bb) Contact with the Outside World

- 1) Persons providing care and nursing assistance may only leave the restricted areas with the permission of the attending physician, following a thorough disinfection supervised by him and after changing into fresh or disinfected clothing.
- 2) They are strictly prohibited from visiting public places (schools, churches, taverns, etc.). The same applies to family members who have come into contact with the patient.
- 3) The exchange of containers and utensils shall take place at the door of the patient's room without direct contact between persons and using appropriate disinfectants.

Art. 40

cc) Prohibition of Entry

- 1) Entry into the residence of persons suffering from infectious diseases is prohibited. The entrance to such residences and the front door must be marked by the local police with a clearly visible sign.
- 2) Damaging or removing such a notice is punishable by law.

Art. 41

dd) Retail establishments, etc.

- 1) In the event of a cholera epidemic, retail establishments and sales premises, as well as restaurants and bars located in a building where a case of cholera has occurred, must remain closed until the patient has been evacuated or has died and the premises (including restrooms) have been disinfected in accordance with regulations.
- 2) In buildings where a patient with smallpox or typhus is present, retail stores, sales premises, and restaurants may continue to operate only if the patient's rooms are located on upper floors and

the staff serving the business on the one hand and the patient and those caring for him on the other.

3) Otherwise, commercial establishments, retail premises, or restaurants must be closed immediately and kept closed.

Art. 42

ee) Healthy Persons

1) Healthy adults from infected households may, with the permission of the attending physician, go about their usual occupations. As a rule, this permission shall not be granted if the work involves working together with other workers in an enclosed space. However, they are prohibited from visiting churches, schools, restaurants, theaters, public meeting places, etc.

2) Likewise, children from households affected by smallpox, cholera, and typhus are strictly prohibited from attending school, religious instruction, and church. These prohibitions remain in effect for as long as medical supervision continues.

Art. 43

c) Duration

1) Isolation must be maintained until the illness has completely run its course (in the case of smallpox, until the last scab has fallen off) and disinfection has been carried out in accordance with regulations.

2) In private care, the Health Commission, in consultation with the public health officer, determines the duration of isolation.

2. Transport of Sick Persons

Art. 44

a) Authorization

1) The transport of persons suffering from a contagious, acute epidemic disease from one municipality to another is prohibited.

2) An exception applies where several municipalities share a common isolation facility, or if the government authorizes the transport based on the medical officer's opinion.

3) Such transports must take place under the supervision of the public health officer.

Art. 45

b) Protective Measures

1) Those accompanying the sick must strictly avoid contact with other people, visiting taverns, etc., until they have been disinfected in accordance with regulations.

2) Under no circumstances may public transportation (trains, mail coaches, cabs, etc.) be used to transport patients with infectious diseases. In larger towns, carriages or stretchers, etc., must be available for such transport, which are to be used exclusively for this purpose.

3. In the Event of Death

Art. 46

a) Treatment of Corpses

The bodies of persons who have died from epidemic diseases shall be disinfected and, as soon as possible, placed in a well-sealed coffin treated with disinfectants and kept in isolation.

Art. 47

b) Burial

1) The funeral may take place as early as 26 to 36 hours after death has been medically certified, subject to the physician's judgment and based on a certificate issued by him.

2) Persons participating in the funeral procession, even relatives of the deceased, are prohibited from entering the home where the death occurred.

3) The pallbearers and all persons involved in handling the body must thoroughly disinfect themselves. Likewise, all equipment that has come into contact with the body must be disinfected.

Art. 48

c) Transport of the Body

1) The transport of the bodies of persons who have died from epidemic diseases is prohibited.

2) In exceptional cases, the public health officer may grant permission subject to strict safety measures.

V. Smallp

ox Art. 49

1. In Case of Danger

In the event of a smallpox outbreak, children in the locality who have not yet been vaccinated must be vaccinated immediately.

2. Preventive smallpox vaccination

a) Mandatory Vaccination

- 1) Parents or guardians are required to have their children or wards vaccinated.
- 2) Upon request, a special vaccination certificate shall be issued to each individual.
- 3) Vaccination shall be carried out using animal lymph, the procurement of which shall be ensured by the government.

Art. 51

b) Time

- 1) Vaccination is entrusted to physicians designated by the government.
- 2) He must carry out the vaccination every year, specifically in the months of April, May, and June, and only in exceptional cases for important reasons and with special consideration of local conditions in the later summer or fall months, with the utmost loyalty and diligence.

Art. 52

c) Vaccination Register

- 1) Civil registrars are required, with the assistance of the municipal heads, to maintain a special register and submit it to the public health officer regarding:
 - a) those who were not vaccinated during the last vaccination,
 - b) those born and deceased since then,
 - c) children who have immigrated since then and have not been vaccinated.
- 2) The municipal heads must ensure that the children are gathered at a designated time and place, that order and calm are maintained to the best of their ability, and that, upon request, a clerk is provided to the vaccinating physician to keep the records in strict accordance with the regulations during the vaccination and medical examination.

Art. 53

d) Penal Provision

- 1) Parents or guardians who persistently and defiantly withhold their children or wards from vaccination shall be fined by the government up to 50 francs, payable to the poor relief fund.
- 2) The same fine shall be imposed on those parents or guardians who fail to bring their children or wards to the general examination without sufficient cause.

3) If the competent authorities fail to provide the vaccinating physician with the necessary support or themselves prevent him from performing his duties, he must submit a detailed and prompt report to the government so that the government may issue further instructions as appropriate.

4) This is without prejudice to administrative enforcement proceedings.

Art. 54

e) Compensation for the Physician

1) The vaccination officer shall carry out the regular annual vaccination at the expense of the municipalities. The relevant invoice shall be submitted to the government at the same time as the tables and the report.

2) For extraordinary vaccinations, he shall receive the customary daily allowances plus travel expenses from the state treasury, with recourse against any liable parties, for which he shall submit a detailed invoice to the government together with the report.

E. Trade in Foodstuffs and Commodities Art. 55

I. In general

1) Supervision of the trade in foodstuffs and consumer goods is exercised under the direction of the government by the public health officer as food inspector, the health commissions (Art. 32), or local experts and butchers.

2) The government may, however, delegate the functions of a food inspector to a separate body and must enter into the necessary agreements to ensure that a suitable laboratory can be used for the purpose of testing food and consumer goods.

3) It shall also provide meat inspectors and local experts with the opportunity to attend courses.

Art. 56

II. Election and Remuneration of Local Experts and Meat Inspectors

1) For each municipality, the municipal council shall elect a meat inspector and a local expert for a term of three years, beginning on January 1, 1924, subject to confirmation by the government.

2) Several municipalities may also share a local expert or meat inspector.

3) The remuneration of this official is the responsibility of the municipalities.

4) The meat inspector is subject to the supervision of the State Veterinarian.

III. Food Inspection Art. 57

1. Subject Matter

1) The local experts shall conduct inspections, collect samples for chemical analysis, and, if necessary, perform preliminary examinations of food within their jurisdictions.

2) They shall carry out up to four inspections annually upon the order of the public health officer. Additional inspections shall be ordered by the municipal council as needed.

Art. 58

2. Obligation to Pay Compensation

There is no entitlement to compensation for the collection of samples even if it turns out that the sample collected was not objectionable.

3. The Procedure

Art. 59

a) In general

The samples intended for analysis shall be sent to the food inspector and, if necessary, by the latter to the laboratory designated by the government, with a request for notification of the findings.

Art. 60

b) Appeal Procedure

1) Complaints issued independently by food inspectors and local experts shall be reported simultaneously to the public health officer and the municipal council.

2) The public health officer shall notify the party concerned of the complaint filed against them.

3) The party concerned is entitled to file a written objection with the government within five days of receiving the notification from the public health officer and to request a higher-level expert opinion.

4) After the appellant has provided a sufficient advance payment of costs, the government shall appoint the expert(s) in accordance with the Food Act.

Art. 61

c) Criminal Proceedings

- 1) Offenses falling under Articles 36, 37, 38, and 41 of the Food Act shall be adjudicated by the courts.
- 2) In handling such cases, the principle applies that the owner of a product in circulation is primarily held responsible for its quality.
- 3) The convicted person shall bear the costs of the technical examination.

Art. 62

d) Judicial Proceedings

The competent court is obligated to handle the referred cases expeditiously and to deliver the reasoned decision to the government immediately after the judgment is rendered.

Art. 63

e) Fines, Costs, and Liability

- 1) The costs of publishing the acquittal judgment shall be borne by the State.
- 2) If local experts or health authorities cause damage through unjustified seizure, the municipality is liable for such damage, subject to the right to seek recourse against the party at fault.
- 3) If state supervisory bodies cause damage in the manner described, the state shall be liable for such damage, also with the right of recourse against the party at fault.

IV. The Meat Inspection

1. Substantive Provisions

Art. 64

a) In general

- 1) Meat inspectors shall perform the functions assigned to them by federal legislation.
- 2) Meat from calves, lambs, and kids that are less than three weeks old may not be designated as fit for sale.
- 3) The delivery of ordered meat to customers from village to village is permitted.
- 4) The government is responsible for issuing permits for the shipment of meat in accordance with Art. 30 of the Federal Act.

5) The authority responsible for granting authorization for the shipment of meat pursuant to Art. 30 of the Federal Act is the government.

Art. 65

b) Remote Locations

1) Private individuals and owners of remote guesthouses and mountain inns may have animals slaughtered for domestic use without the involvement of the meat inspector. However, they are obligated to call the meat inspector in cases where the slaughtered animals exhibit pathological changes.

2) The municipalities reserve the right to establish regulations regarding inspections for these cases as well.

Art. 66

2. The Procedure

1) If the meat inspector objects to goods or facilities in accordance with Articles 18 and 57 of the Ordinance on Slaughtering, Meat Inspection, etc., he shall issue the necessary orders and immediately notify the mayor in writing, who shall promptly inform the party concerned or their representative.

2) Objections to the findings and orders of the meat inspector must be filed with the mayor as soon as possible, and in any case within five days of receiving notification of the objection.

3) The objections raised shall be resolved in accordance with the provisions of Articles 17 through 19 of the Act.

4) The manner of resolution shall be communicated to both the meat inspector and the government.

5) The municipalities may charge the following maximum fees for the meat inspection: Art. 67

3. Fees Repealed

F. Control of Animal Diseases

Art. 68

I. Organization

Repealed Art.

69

II. The

Government

Repealed

Art. 70

III. The State

Veterinarian Repealed

Art. 71

IV. The Health Commission

Repealed

V. Livestock

Inspectors Art. 72

1. Election and

Compensation Repealed

2. Duties

Art. 73

a) General

Provisions

Repealed

Art. 74

b) Health Certificates and Livestock

Movement Repealed

Art. 75

VI. Meat Inspectors

Repealed

Art. 76

VII. Renderers

(Wasenmeister) Repealed

Art. 77

VIII. Forms

1) The forms for health certificates are to be obtained by the livestock inspectors from the Government Chancellery.

2) The duplicates of the health certificates must be retained by the livestock inspectors for two years.

3) Costs will be charged at cost. Art. 78

IX. Fees

1) When issuing health certificates, livestock inspectors charge the following fees:

Form A for a health certificate: CHF 0.50 Form B

for a health certificate: CHF 0.30

and for each additional animal on the same certificate: CHF 0.10;

Form C for a health certificate: CHF 0.10

and for each additional animal on the same certificate: CHF 0.10

2) The fees are paid into the municipal treasury. No stamp duties are payable for health certificates.

Art. 79

X. Competence for Permits

1) Applications for licenses to engage in itinerant trade in poultry must be submitted to the government, which must obtain the expert opinion of the State Veterinarian. Likewise, if necessary for the control of animal diseases, the license may be temporarily revoked at any time upon the request of the State Veterinarian.

2) Applications concerning the importation of animals for slaughter from countries outside the customs territory or neighboring agricultural border traffic must be submitted to the State Veterinarian for forwarding to the federal authority.

3) Anyone wishing to keep transhumant sheep herds in the Principality must obtain a permit from the State Veterinarian.

Art. 80

XI. Reporting

1) Slaughterhouse administrations must submit a monthly report to the State Veterinarian regarding the number and origin of foreign slaughter animals brought into the slaughterhouse by each individual importer.

2) If diseases are detected in animals for slaughter from outside the customs territory, the State Veterinarian must be notified immediately by the slaughterhouse administration.

Art. 81

XII. Obligation to Report

1) The State Veterinarian is responsible for imposing a simple or enhanced ban.

2) Anyone keeping animals is obligated to report the outbreak of diseases among their livestock and any suspicious symptoms that give rise to the fear of such

disease, to the competent livestock inspector and the municipal authorities without delay and to take measures to prevent transmission to other animals as far as possible.

3) The same obligation applies to persons entrusted with the care or treatment of animals.

XIII. State Contributions for Epidemic

Damage Art. 82

1. Scope

Repealed

Art. 83

2. Costs Repealed

G. Control of phylloxera

Art. 84

I. Monitoring of vineyards

1) The government shall ensure that the municipalities monitor vineyards, gardens, nurseries, and greenhouses.

2) It shall immediately report any occurrence of phylloxera to the competent federal authorities and, in consultation with them, take the necessary measures to control the pest.

Art. 85

II. Import

1) The importation of grapevine seedlings, cuttings, vine wood, vine leaves, and vine shoots, uncrushed table grapes, used stakes and trellis posts, compost, and fertilizing soil is prohibited.

2) Table grapes and wine grapes, grape marc, fruit trees, seedlings, and shrubs originating from countries that have not acceded to the International Phylloxera Convention of November 3, 1881, may not be imported without the authorization of the competent federal authority. These items may be imported from countries that have acceded to the Convention without special authorization, provided that the shipments comply with the provisions of Articles 2 and 3 of the Convention and are accompanied by the certificates prescribed therein.

3) Table grapes may only be imported in boxes, crates, or baskets weighing no more than ten kilograms.

4) Plants may only be imported through the following customs offices: Buchs, Schaan-Vaduz, Nendeln, Schaanwald.

5) The competent federal authority may, upon the recommendation of the government, grant exemptions from the provisions of this article.

Art. 86

III. Movement within the customs territory

1) Vine seedlings, vine cuttings, rootstocks, and vine wood, used protective stakes and vine stakes, compost, and fertilizing soil circulating within the customs territory must be accompanied by a certificate of origin. Vines and parts thereof shall be packed in wooden crates completely sealed with screws. No shipment may contain vine leaves.

2) If phylloxera is detected in the Principality, the government shall prohibit the export of grapevine seedlings, vine cuttings, grapevines, vine leaves, and vine shoots; uncrushed grapes and grape marc; used stakes and trellises; compost; and fertilizing soil.

Art. 87

IV. Penal Provisions

1) Violations of the provisions of Articles 84 through 86 shall be punishable by a fine of 50 to 500 francs.

2) Anyone who has imported or placed on the market any of the items mentioned in these articles by means of a false certificate of origin or waybill, or by concealing the contents of a shipment, or by any other fraudulent means, shall be punished with imprisonment for up to 6 months and a fine of up to 1,000 francs in favor of the state.

Art. 88

H. Immigration Police

1) The Government shall conclude a special agreement with the competent Swiss authorities regarding the regulation of immigration matters.

2) The Government is authorized to revise the regulations governing residence and settlement, thereby amending the existing statutory provisions, and to review existing residence and settlement permits.

I. Factory Legislation

I. General Provisions

Art. 89

1. Competence

- 1) The government is responsible for the enforcement of factory legislation.
- 2) The government shall submit a report and a proposal to the Department of Industry and Commerce of the Federal Department of Economic Affairs regarding whether an industrial establishment should be classified as a factory under the law, and whether a factory subject to the law should be removed from the factory register.

Art. 90

2. Factory Registers

- 1) Registers of factories shall be maintained using a standardized form.
- 2) The government maintains these registers for the entire country, and the municipal councils for their respective municipalities.
- 3) Municipal councils are required to notify the government of any changes in the number, name, or location of factories.
- 4) Violations of the applicable regulations shall be treated as criminal offenses.
- 5) The bylaws of factory health insurance funds to which workers contribute must be submitted to the government for review.

Art. 91

3. Building Applications and Permits

- 1) Applications concerning the construction of new factories and the alteration or expansion of existing ones, as well as concerning the conversion of existing premises for factory purposes, must be submitted to the government.
- 2) In each of the establishments specified in a government ordinance, the owner or his representative must implement all protective measures necessary to prevent illness and accidents, based on experience and in accordance with the state of the art and prevailing conditions.
- 3) The government is authorized to issue appropriate directives after consulting with the parties concerned.
- 4) The Federal Council shall arrange for the participation of federal factory inspectors in accident prevention, as well as the application of this article to those establishments that are subject to special federal provisions regarding accident prevention.

Art. 92

4. Operating Licenses

- 1) The government will not grant permission to commence operations until the completed facility has been inspected and found to comply with the requirements of the building permit.
- 2) The owner of the facility must notify the government of its completion without delay. The government shall commission the federal factory inspector to conduct the inspection.
- 3) For the permit pursuant to Articles 49, 50, and 52 of the Factory Act, fees ranging from 2 to 20 francs are payable.

Art. 93

5. Age Certificate

- 1) Age certificates for young workers shall be issued free of charge and in a standardized form:
 - a) by the registrar of the worker's place of birth, if the worker is a Liechtenstein national or a foreigner and was born in Liechtenstein;
 - b) by the registrar of the worker's hometown, if the worker is a Liechtenstein national but was born abroad;
 - c) by the head of the Settlement and Residence Control Office, if the worker is a foreign national and was born abroad.

Art. 94

6. Time Control of Overtime Authorizations

- 1) The monitoring of working hours in factories is delegated to the municipal councils. They must review the notifications regarding work schedules received from factory owners and forward them to the government.
- 2) Overtime permits are issued by the government, and the municipalities are responsible for monitoring compliance with them.

II. Procedure in Civil Disputes,

Art. 95

- 1) The provisions of the Civil Procedure Code of 1912 shall apply to proceedings in civil disputes arising from the legal relationship between the factory owner and the workers, with the following amendments and additions (B. G. Art. 29):
- 2) Professional legal representation is not permitted unless such representation appears justified by the particular personal circumstances of a party.

3) The judge shall, ex officio, investigate the facts relevant to the decision. The judge is not bound by the parties' motions for evidence and shall evaluate the evidence at his or her discretion. The decision shall be based on thorough and expeditious proceedings.

4) The proceedings are free of charge.

5) In cases of frivolous litigation, the judge is authorized to impose fines on the offending party and to order it to bear all or part of the costs.

Art. 96

1. Court Proceedings

1) An official conciliation office shall be established to mediate collective disputes between factory owners, on the one hand, and workers and employees, on the other, concerning the employment relationship as well as the interpretation and implementation of the collective bargaining agreement or standard employment contract.

2) Anyone who fails to comply with the Conciliation Office's summons may be fined up to 50 francs by the Conciliation Office, payable to the state.

2. The Official Conciliation

Office Art. 97

a) General Provisions

1) The Conciliation Board consists of a chairperson, two members, two alternate members, and a secretary, all of whom are appointed by the government for a term of three years. The government also appoints alternates for the chairperson and the secretary. Half of the members and alternate members must be employers and half must be employees.

2) The Conciliation Board is subject to the supervision of the government.

3) As compensation, the members of the Conciliation Board receive the same daily allowances as members of the state parliament.

4) The parties are not required to pay any fees.

b) Organization

Art. 98

c) Commencement of Activities

1) The Conciliation Office shall commence its activities on its own initiative or at the request of the government, at the request of the municipal council, or at the request of a party.

2) The request shall be submitted in writing to the President of the Conciliation Office, specifying the points of dispute and the claims made by a party, as well as the persons authorized to represent the party in the oral proceedings.

d) Procedure

Art. 99

aa) Initial Mediation Attempt

1) In the oral hearing to be ordered by the President, the Conciliation Office shall endeavor to investigate the causes and specific circumstances of the disputes as thoroughly as possible and to identify the points of contention individually. It shall then endeavor to bring about a fair settlement, taking all relevant circumstances into due consideration.

2) The Conciliation Office has the right to conduct hearings during mediation and arbitration proceedings regarding matters related to the dispute. It may also request payroll records, lists of fines, or other documentation.

3) The clerk of the Conciliation Office shall record the proceedings, the points of contention as they arose, the parties' claims, the settlement proposals, and the results of the mediation.

Art. 100

bb) Second Mediation Attempt

1) If the Conciliation Office's proposals are rejected and mediation has thus failed, a second hearing shall be scheduled within a maximum of 14 days and the mediation attempt shall be continued, unless this appears entirely futile based on the outcome of the first hearing. The Conciliation Office is authorized to publish its proposals in the official gazettes.

2) The Conciliation Office is authorized to issue a decision that would be binding on the parties only if the parties jointly declare on the record that they delegate this authority to the Office.

Art. 101

3. Voluntary Conciliation Boards

1) If business owners and their workers and employees in the same industry establish a voluntary conciliation board to act in place of the official Conciliation Office

, they must notify the government and the president of the Conciliation Office in writing.

2) Likewise, they must report the outcome of the negotiations to the government and the presidency.

Art. 102

III. National Holidays

1) The following are considered statutory holidays: New Year's Day, Epiphany, Easter Monday, Ascension Day, Whit Monday, Corpus Christi, Assumption Day, All Saints' Day, the Feast of the Immaculate Conception, Christmas Day, and St. Stephen's Day.

2) The government may establish additional holidays by ordinance.

K. Imports and

Exports Art. 103

I. General Provisions

1) Where permits are required for the import and export of goods, applications must be submitted in triplicate either through the government or directly to the competent federal authority.

2) The forms are available from the aforementioned offices as well as from the Government.

3) The Government or a body designated by it is responsible for issuing certificates of origin.

Art. 104

1) The import, transit, and transport of live and dead specimens of the following birds are prohibited:

all insectivores, i.e., all warbler (*Sylvia*) species, all wheatear, tit, brown-headed, pipit, swallow, flycatcher, and wagtail species; of passerines: larks, starlings, blackbirds, and thrushes, with the exception of the red-backed shrike, the red-breasted robin, and the mistle thrush; chaffinches, goldfinches, siskins, and linnets; of watchful and climbing birds: cuckoos, tree creepers, nuthatches, wrynecks, hoopoes, and all woodpecker species;

of corvids: jackdaws, Alpine choughs, and Alpine crows;

of birds of prey: the kestrels, as well as all owl species, with the exception of the eagle owl;

of marsh and water birds: the stork and the swan.

2) In exceptional cases, the competent authority may authorize such importation and transit in individual cases for a limited number of live specimens intended for keeping in cages.

3. Section: Final

Provisions

A. Implementing Provisions

Art. 105

I. General

1) The Government shall publish in the Official Gazette a list of all provisions applicable in Liechtenstein pursuant to the Customs Treaty.

2) At the same time, it shall compile a list of all such provisions and make a complete collection of the applicable regulations available for public inspection at the Government Chancellery.

3) The same procedure shall also apply to the special agreements which the Government is authorized to conclude with Swiss authorities pursuant to this Act.

4) To the extent that this Act does not contain transitional provisions, the Government may issue such provisions in consultation with the competent bodies, provided this appears necessary.

5) It is also authorized, in particular, to:

a) to conclude special agreements with the federal authorities on matters related to the Customs Treaty, and to take appropriate measures to secure the recognition by a foreign government of the applicability of Swiss customs and trade treaties;

b) to conclude treaties or agreements with the governments of other states on matters in all areas of law, in consultation with the Finance Committee or, in the case of more important matters, in consultation with the State Parliament.

II. Customs

Art.

106

1. Speculative Importation of Goods

1) The Government may order a nationwide inventory of all goods that are subject to a Swiss import ban or to a Swiss import duty higher than the Liechtenstein rate.

2) Everyone is obligated to show their stock of goods to the competent authorities upon request and to provide truthful information regarding their possession of goods and cash and their origin.

3) Goods and cash that were imported into Liechtenstein prior to the entry into force of the Customs Agreement with the intent of subsequently being imported into Switzerland in circumvention of Swiss import and customs regulations are subject to retroactive customs duties in the amount of the difference between the Liechtenstein and Swiss customs duties.

4) The penalties provided for in Article 2 of the Enabling Act of June 12, 1923, remain in force.

Art. 107

2. Abolition of the Liechtenstein Customs Administration

1) Liechtenstein customs personnel shall be dismissed from service upon the entry into force of the Customs Treaty.

2) The Government shall also take appropriate measures for the use, leasing, or sale of the real and personal property made available by the Customs Treaty.

3) Customs offenses committed prior to the entry into force of the Customs Treaty shall continue to be governed by the provisions of the old law and shall be adjudicated by the authorities that were competent prior to the entry into force of the Customs Treaty.

4) The Government shall conclude the necessary agreements with the competent Swiss authority regarding the use of customs houses and the accommodation of customs personnel.

Art. 108

III. Infringement of Intellectual Property Rights

1) Until Liechtenstein enacts laws on the protection of industrial, literary, and artistic property in accordance with Article 5 of the Customs Treaty, the protection acquired in Switzerland under its laws may also be enforced domestically under civil and criminal law before the local courts.

2) This provision applies retroactively as of December 1, 1923.

Art. 109

B. Amendment and Repeal of Existing Law

Upon the entry into force of the Customs Treaty, the provisions of Liechtenstein legislation shall be amended as follows:

1. To the extent that the individual provisions of this Act or the applicable federal legislation result in an amendment to the Code of Civil Procedure, the Code of Criminal Procedure, the Act on General State Administration, or other laws, such laws are hereby repealed or amended.

The following, in particular, are repealed or amended:

2. Sections 377, 387, 393 through 408, 445, 479, 480, and 481 of the Criminal Code.

3. All conflicting provisions of the Police Regulations, in particular Sections 1, 10, 11, 12, 15 through 20, 23, 24, 26, 27, 28, 30 through 44, 46 through 70, 73 through 88, 90, 91, 92, 93, 95, and 99.

The government is tasked with revising the provisions of the Police Regulations and other relevant ordinances that remain in force into a single, modernized ordinance and repealing the Police Regulations and other ordinances in their entirety.

4. The Stamp Act of 1883, LGBl. 1883 No. 5, the Tax Act of 1884, LGBl. 1884 No. 5, and their amending acts; the Act of June 1, 1922, concerning the provisional collection of court and administrative costs and fees, LGBl. 1922 No. 22, and other tax laws, insofar as they are governed by federal stamp duty legislation, particularly Art. 2 of the Federal Act on Stamp Duties of October 4, 1917, and other applicable stamp duty legislation.

If, pursuant to this Act, a document is subject to a tax or is declared tax-exempt, neither that document itself nor any other document relating to the same legal relationship may be subject to stamp, registration, or entry taxes.

5.

a) Section 26 of the Trade Regulations of December 13, 1915, LGBl. 1915 No. 14,

b) Art. 1 (para. 2) and Art. 4, sentence 1, of the Act of January 11, 1916, concerning the enactment of new regulations on peddling, LGBl. 1916 No. 2,

c) Section 1 of the Act of November 24, 1921, concerning the amendment and partial revision of the Peddling Act, LGBl. 1921 No. 23, and

d) Sections 40 through 45 of the Trade Regulations of December 13, 1915, LGBl. 1915 No. 14, insofar as the provisions of factory legislation apply.

6.

- a) The Act of December 1, 1921, concerning the new regulation of imports, exports, and transit, LGBL. 1921 No. 25,
- b) the Act of January 3, 1922, supplementing the foregoing Act, LGBL. 1922 No. 3,
- c) the Act of July 7, 1922, amending Article 7 of the Act on the Import, Export, and Transit of Goods, LGBL. 1922 No. 30, and
- d) Section 83 of the Tax Act of January 11, 1923, LGBL. 1923 No. 2.

7.

- a) The Ordinance of November 20, 1873, on Postmortem Examinations and the Burial of Corpses, LGBL. 1873 No. 7,
- b) the Public Health Act of October 8, 1874, LGBL. 1874 No. 3,
- c) the Ordinance of July 9, 1878, regarding the sale of meat, LGBL. 1878 No. 5,
- d) the Ordinance of March 31, 1911, regarding the obligation to report contagious human diseases, LGBL. 1911 No. 1,
- e) the Ordinance of July 27, 1911, concerning the trade and distribution of foodstuffs, LGBL. 1911 No. 3,
- f) the Ordinance of November 13, 1912, concerning the weight and quality of locally customary types of bread, LGBL. 1912 No. 4,
- g) the Ordinance of May 11, 1915, concerning the sale of margarine and artificial fats, LGBL. 1915 No. 6, and
- h) the Government Announcement of May 20, 1915, concerning the establishment of a milk testing station, LGBL. 1915 No. 8.

8. The government is authorized to repeal, at the appropriate time:

- a) the Enabling Act of June 12, 1913, LGBL. 1913 No. 13, and the Ordinance of June 15, 1923, concerning the importation of goods, LGBL. 1923 No. 14, and
- b) the Act of June 22, 1923, concerning the sale of real property, LGBL. 1923 No. 16, and the Ordinance of October 18, 1923, concerning the implementation of this Act, LGBL. 1923 No. 20.

Art. 110

Entry into Force

- 1) This Act is declared non-urgent and shall enter into force immediately upon its promulgation.
- 2) My government is entrusted with its implementation.

signed

Schädler

Princely Head of Government

Appendix I

Excerpt from the Code of Criminal Procedure of the Canton of St.

Gallen: Appeals

Art. 187

When an appeal is filed, the filing and registration fees must be paid in accordance with the provisions of the fee schedule. If special circumstances warrant it, these fees may be waived by the presiding judge of the court to which the appeal is made, upon request.

A. Appeal (Appellation)

Art. 188

1) The parties may file an appeal with the Criminal Division of the Cantonal Court against final judgments of the district courts, including decisions on the reopening of proceedings, within 14 days of the judgment being pronounced or the complete judgment being served. For the State, the time limit shall be calculated from the date on which the judgment was received by the Office of the Public Prosecutor. If the appeal is filed by the Public Prosecutor or by the defendant, it shall also apply to and against the civil plaintiff.

2) The civil plaintiff has the right to file an independent appeal only with respect to the issues of damages and costs, and only to the extent that such an appeal would be admissible in the civil proceedings if the civil claim were being heard in a civil trial. Until the expiration of the appeal period, the civil plaintiff is authorized to declare to the court clerk's office of the court of first instance, for the attention of the opposing party, that he or she will assert the civil claim separately in civil proceedings.

3) If there are multiple defendants, the appeal applies only to those who have filed it.

Art. 189

Similarly, an appeal may be filed against those judgments of juvenile courts in which a prison sentence has been imposed.

Art. 190

The appeal must be filed in writing with the clerk's office of the cantonal court, accompanied by the judgment of the court of first instance. The clerk's office shall notify the opposing party thereof. The public prosecutor shall suspend the enforcement of the judgment. Security measures remain reserved.

Art. 191

- 1) The hearing before the court of second instance generally begins with the reading of the judgment of the court of first instance.
- 2) Thereafter, the proceedings shall continue in accordance with Articles 162 through 174.
- 3) A mere repetition of the trial at the first instance should be avoided as much as possible.
- 4) The public prosecutor brings the charges in all cases referred to the court of second instance.

Appendix II

Excerpt from the Federal Act on Federal Judicial Administration of March 22, 1893
C. Cassation

Art. 160

- 1) An appeal in cassation may be filed with the Federal Supreme Court (Court of Cassation) against final judgments of the cantonal courts and against decisions of the cantonal referral authorities in criminal matters to be adjudicated under federal law, in accordance with the following provisions.
- 2) The provisions of the Federal Act of June 30, 1849, on appeals to the Court of Cassation against judgments concerning violations of federal fiscal laws remain reserved.

Art. 161

- 1) In cases where criminal prosecution depends on a complaint filed by the injured party, the right to appeal to the Court of Cassation is available only to the parties to the proceedings affected by the decision; in cases where, pursuant to Articles 153 through 155, the findings must be regularly forwarded to the Federal Council, this right is also available to the Federal Council.
- 2) If the injured party has asserted their claim before the cantonal criminal court and the claim is to be decided in accordance with cantonal law, a cassation appeal may also be filed with respect to the civil aspect, either alone or in conjunction with the criminal aspect. The right

to the Federal Supreme Court regarding the civil claim is precluded if the injured party files a cassation appeal.

Art. 162

A cassation appeal is admissible against second-instance judgments, as well as against those judgments for which, under cantonal law, an appeal (appellation) is not available, and against negative decisions of the cantonal referral authority of last instance.

Art. 163

A cassation appeal may be based only on the ground that the judgment or decision is based on a violation of a federal legal provision. Art. 164

1) The appeal must be filed within ten days of the judgment or decision being served.

2) For the Federal Council, the time limit begins to run on the day it receives a copy of the cantonal judgment or decision (Art. 153 and 155).

3) The filing of the appeal suspends the enforcement of the contested judgment only if the President or the Court of Cassation itself so orders.

Art. 165

1) The appeal must be filed with the authority that issued the judgment or made the decision by submitting a written statement.

2) The Federal Council shall file the appeal through the cantonal government.

Art. 166

1) No later than ten days after the appeal is filed, the cantonal office shall send a copy of the contested judgment or decision, together with the case files, to the Court of Cassation.

2) This shall also be done if the appeal is filed late. Art. 167

1) Within twenty days of the judgment or decision being served, the appellant must submit his or her claims to the Court of Cassation in writing and provide a statement of reasons.

2) Failure to comply with this provision renders the appeal ineffective.

Art. 168

The Court of Cassation shall examine ex officio whether the appeal is admissible and whether it was filed in the statutory form and within the statutory time limit.

Art. 169

- 1) If the appeal is not immediately deemed inadmissible, the Court of Cassation shall serve the appeal brief on the opposing party.
- 2) The opposing party has the right to file a response within twenty days of receiving the notice of appeal. A second exchange of briefs or an oral final hearing shall be permitted only in exceptional cases.

Art. 170

If an appeal or a request for review against a cantonal court judgment is filed with the competent cantonal authority in accordance with cantonal legislation, the decision of the Court of Cassation shall be suspended until that request has been resolved.

Art. 171

- 1) Only the claims set forth in the appeal are subject to review by the Court of Cassation.
- 2) However, the Court of Cassation is not bound by the grounds of appeal or the legal arguments of the appellant.

Art. 172

- 1) If the Court of Cassation finds the appeal to be well-founded, it shall set aside the contested decision and refer the matter back to the cantonal authority for a new decision.
- 2) The authority to which the case is remanded must also base its decision on the legal assessment underlying the cassation appeal.

Art. 173

The Court of Cassation is also entitled to set aside the cantonal judgment and remand the case (Art. 172, para. 1) if the judgment is vitiated by defects that make it impossible for the court to review the application of the law (Art. 163).

Art. 174

Customs Agreement with
Switzerland

The provisions of Articles 160 through 173 shall apply *mutatis mutandis* to penalty orders issued by cantonal administrative authorities for violations of federal police laws which, under cantonal legislation, cannot be appealed to the courts by the parties concerned.

XX. Convention for the Protection of Human Rights and Fundamental Freedoms

of November 4, 1950

Entry into force for the Principality of Liechtenstein: September 8, 1982

Having regard to the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations on December 10, 1948;

Whereas the purpose of this Declaration is to ensure the universal and effective recognition and observance of the rights set forth therein;

Whereas the aim of the Council of Europe is to achieve greater unity among its members, and whereas one of the means of achieving this aim is the protection and promotion of human rights and fundamental freedoms;

Reaffirming their deep belief in these fundamental freedoms, which form the basis of justice and peace in the world, and whose maintenance depends essentially on a truly democratic political regime, on the one hand, and on a common understanding and respect for human rights, on the other, from which they derive;

Determined, as the governments of European States, inspired by the same spirit and sharing a common heritage of intellectual values, political traditions, respect for freedom, and the rule of law, to take the first steps toward a collective guarantee of certain rights proclaimed in the Universal Declaration;

the undersigned governments, being members of the Council of Europe, agree as follows:

Art. 1

Obligation to Respect Human Rights

The High Contracting Parties guarantee to all persons within their jurisdiction the rights and freedoms set forth in Section I of this Convention.

Section I

Rights and Freedoms

Art. 2

Right to Life

1) Everyone's right to life shall be protected by law. Except

Convention for the Protection of Human Rights and Fundamental

~~Freedom~~

the execution of a death sentence pronounced by a court in the case of a crime punishable by death under the law, no one shall be subjected to intentional killing.

2) Killing shall not be considered a violation of this article if it results from the use of force that is absolutely necessary:

- a) to ensure the defense of a person against unlawful use of force;
- b) to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- c) to suppress a riot or insurrection within the limits of the law. Art. 3

Prohibition of Torture

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

Art. 4

Prohibition of Slavery and Forced Labor

- 1) No one shall be held in slavery or servitude.
- 2) No one shall be required to perform forced or compulsory labor.
- 3) For the purposes of this article, “forced or compulsory labor” does not include:
 - a) any work normally required of a person who is detained or on probation under the conditions provided for in Article 5 of this Convention;
 - b) any service of a military nature, or, in the case of conscientious objection in countries where such objection is recognized as legitimate, any other service substituted for military service;
 - c) any service rendered in the event of emergencies and disasters that threaten the life or well-being of the community;
 - d) any work or service that forms part of normal civic duties. Art. 5

Right to Liberty and Security

- 1) Everyone has the right to liberty and security. A person may be deprived of liberty only in the following cases and only in accordance with the law:
 - a) if he is lawfully detained following a conviction by a competent court;

- b) if they have been lawfully arrested or are being detained for failure to comply with a lawful court order or to enforce the fulfillment of an obligation prescribed by law;
 - c) if he has been lawfully arrested or is being detained for the purpose of bringing him before the competent judicial authority, provided there is sufficient suspicion that the person concerned has committed a criminal offense, or there are reasonable grounds to believe that it is necessary to prevent the person concerned from committing a criminal offense or from fleeing after committing such an offense;
 - d) if the detention involves the lawful detention of a minor ordered for the purpose of supervised education, or the lawful detention of such a person imposed for the purpose of bringing him or her before the competent authority;
 - e) if he is lawfully detained because he poses a risk of spreading infectious diseases or because he is mentally ill, an alcoholic, a drug addict, or a vagrant;
 - f) if he has been lawfully arrested or is being detained to prevent him from entering the national territory without authorization, or because he is subject to pending deportation or extradition proceedings.
- 2) Every person who is arrested must be informed as soon as possible and in a language he understands of the reasons for his arrest and of the charges against him.
- 3) Any person arrested or detained in accordance with the provisions of paragraph 1(c) of this article must be brought promptly before a judge or other officer authorized by law to exercise judicial functions. Such a person has the right to be tried within a reasonable time or to be released pending trial. Release may be made conditional upon the posting of a bond to ensure appearance in court.
- 4) Anyone deprived of their liberty by arrest or detention has the right to bring proceedings in which a court shall, as soon as possible, decide on the lawfulness of the detention and, if it is unlawful, order their release.

5) Anyone who has been subjected to arrest or detention in violation of the provisions of this article is entitled to compensation.

Art. 6

Right to a Fair Trial

1) Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, to determine his civil rights and obligations or the validity of any criminal charge against him. The judgment must be pronounced publicly; however, the press and the public may be excluded from all or part of the trial in the interests of morals, public order, or national security in a democratic state, or where the interests of juveniles or the protection of the private life of the parties so require, or, and, in particular, if a public hearing would prejudice the interests of the administration of justice, but in such a case only to the extent deemed necessary by the court.

2) Until proven guilty by law, a person charged with a criminal offense is presumed innocent.

3) Every defendant has at least (English text) in particular (French text) the following rights:

- a) to be informed, as soon as possible and in a language he understands, of the nature and cause of the charges against him;
- b) to have sufficient time and opportunity to prepare his defense;
- c) to defend oneself or to be assisted by a defense counsel of one's choice, and, if one does not have the means to pay for a defense counsel, to be assisted by a court-appointed defense counsel free of charge, if this is necessary in the interests of the administration of justice;
- d) to examine or have examined the witnesses for the prosecution and to have witnesses for the defense summoned and examined under the same conditions as those for the prosecution;
- e) to request the free assistance of an interpreter if the accused does not understand the language of the proceedings or cannot express himself in that language

. Art. 7

No Punishment Without Law

- 1) No one may be convicted of an act or omission that was not punishable under domestic or international law at the time it was committed. Likewise, no penalty may be imposed that is more severe than the penalty prescribed at the time the offense was committed.
- 2) This article shall not preclude the conviction or punishment of a person who has committed an act or omission that was punishable at the time it was committed under the principles of law generally recognized by civilized nations.

Art. 8

Right to Respect for Private and Family Life

- 1) Everyone has the right to respect for his private and family life, his home, and his correspondence.
- 2) Interference by a public authority with the exercise of this right shall be permitted only insofar as such interference is provided for by law and constitutes a measure necessary in a democratic society for national security, public safety and order, the economic well-being of the country, the defense of the order, and for the prevention of criminal offenses, the protection of health and morals, or the protection of the rights and freedoms of others.

Art. 9

Freedom of Thought, Conscience, and Religion

- 1) Everyone has the right to freedom of thought, conscience, and religion; this right includes the freedom of the individual to change religion or belief, as well as the freedom to practice one's religion or belief, individually or in community with others, publicly or privately, through worship, instruction, devotions, and observance of religious customs.
- 2) Freedom of religion and belief shall not be subject to any restrictions other than those prescribed by law, which are necessary in a democratic society in the interests of public security, public order, health, and morals, or for the protection of the rights and freedoms of others.

Freedom of Expression

1) Everyone has the right to freedom of expression. This right includes freedom of opinion and freedom to receive and impart information and ideas without interference by public authorities and regardless of frontiers. This article shall not prevent States from requiring a licensing procedure for radio, cinema, or television broadcasting.

2) Since the exercise of these freedoms carries with it duties and responsibilities, it may be subject to certain formalities, conditions, restrictions, or penalties prescribed by law, such as those necessary in a democratic society in the interests of national security, territorial integrity, or public safety, the maintenance of order and the prevention of crime, the protection of health and morals, the protection of the reputation or rights of others, to prevent the dissemination of confidential information, or to ensure the prestige and impartiality of the judiciary.

Art. 11

Freedom of Assembly and Association

1) Everyone has the right to peaceful assembly and to freedom of association with others, including the right to form and join trade unions for the protection of their interests.

2) The exercise of these rights shall be subject to no restrictions other than those prescribed by law and which are necessary in a democratic society in the interests of national security, public safety, the maintenance of order, the prevention of crime, the protection of health and morals, or the protection of the rights and freedoms of others. This article does not preclude the exercise of these rights by members of the armed forces, the police, or the public administration from being subject to lawful restrictions.

Art. 12

Right to Marriage

Upon reaching the age of marriage, men and women have the right to marry and to found a family in accordance with the relevant national laws.

Art. 13

Right to an Effective Remedy

If the rights and freedoms set forth in this Convention have been violated, the victim has the right to an effective remedy before a national authority, even if the violation was committed by persons acting in an official capacity.

Art. 14

Prohibition of Discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

Art. 15

Suspension in Times of Emergency

1) In time of war or other public emergency threatening the life of the nation, any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

2) The foregoing provision does not permit the suspension of Article 2, except in cases of death resulting from lawful acts of war, or of Articles 3, 4(1), and 7.

3) Any High Contracting Party exercising this right of derogation shall notify the Secretary General of the Council of Europe in detail inform the Secretary General of the Council of Europe of the measures taken and the reasons for them. It must also notify the Secretary General of the Council of Europe of the date on which these measures ceased to be in force and the provisions of the Convention once again apply in full.

Art. 16

Restrictions on the Political Activities of Aliens

None of the provisions of Articles 10, 11, and 14 shall be interpreted as prohibiting the High Contracting Parties from subjecting the political activities of aliens to restrictions.

Art. 17

Prohibition of Abuse of Rights

No provision of this Convention shall be interpreted as conferring on any State, group, or person the right to engage in any activity or perform any act aimed at the abolition of the rights and freedoms set forth in this Convention or at restrictions on these rights and freedoms more extensive than those provided for in the Convention.

Art. 18

Limitations on Restrictions of Rights

The restrictions on these rights and freedoms permitted under this Convention shall not be applied for purposes other than those for which they are intended.

Section II

European Court of Human Rights Art. 19

Establishment of the Court

To ensure compliance with the obligations undertaken by the High Contracting Parties in this Convention and the Protocols thereto, a European Court of , hereinafter referred to as “the Court,” shall be established. It shall perform its functions as a permanent court.

Art. 20

Number of Judges

The number of judges of the Court shall correspond to the number of High Contracting Parties.

Art. 21

Qualifications for Office

- 1) The judges must be of high moral character and either meet the qualifications required for the exercise of high judicial office or be jurists of recognized standing.
- 2) Candidates must not have reached the age of 65 by the time the list of three candidates is to be received by the Parliamentary Assembly pursuant to Art. 22.
- 3) The judges shall serve on the Court in their personal capacity.

4) During their term of office, judges may not engage in any activity that is incompatible with their independence, their impartiality, or the requirements of full-time service in this office; all questions arising from the application of this paragraph shall be decided by the Court.

Art. 22

Election of Judges

1) The judges shall be elected by the Parliamentary Assembly for each High Contracting Party by a majority vote from a list of three candidates proposed by the High Contracting Party.

2) Repealed

Art. 23

Term of Office and Removal

1) Judges shall be elected for a term of nine years. They shall not be eligible for re-election.

2) The judges shall remain in office until their successors take office. However, they shall continue to hear cases with which they are already seized.

3) A judge may be removed from office only if the other judges decide by a two-thirds majority that he or she no longer meets the necessary requirements.

4) Repealed

Art. 24

Registry and Rapporteur

1) The Court shall have a Registry, the functions and organization of which shall be laid down in the Rules of Procedure of the Court.

2) When the Court sits as a single judge, it is assisted by rapporteurs who perform their duties under the supervision of the President of the Court. They are members of the Registry of the Court.

Art. 25

Plenary Session

The Plenary Session of the Court

a) elects its President and one or two Vice Presidents for a term of three years; they may be re-elected,

b) establishes chambers for a specific period,

c) elects the Presidents of the Chambers of the Court; they may be re-elected,

- d) adopts the Rules of Procedure of the Court;
- e) elects the Registrar and one or more Deputy Registrars;
- f) submits proposals pursuant to

Art. 26(2). Art. 26

Single-judge composition, committees, chambers, and the Grand Chamber

- 1) To examine the cases brought before it, the Court sits in single-judge composition, in committees of three judges, in chambers of seven judges, and in a Grand Chamber of seventeen judges. The chambers of the Court form the committees for a specific period.
- 2) At the request of the Plenary Session of the Court, the number of judges per Chamber may be reduced to five for a specified period by a unanimous decision of the Committee of Ministers.
- 3) A judge sitting as a single judge shall not examine any application against the High Contracting Party for which he or she was elected.
- 4) The Chamber and the Grand Chamber shall, ex officio, include the judge elected by the High Contracting Party that is a party to the case. If no such judge is available or if he or she is unable to attend the hearings, a person shall participate in the hearings in the capacity of a judge, selected by the President of the Court from a list submitted to him or her in advance by the Contracting Party concerned.
- 5) The Grand Chamber shall also consist of the President of the Court, the Vice-Presidents, the Presidents of the Chambers, and other judges selected in accordance with the Rules of Procedure of the Court. If a case is referred to the Grand Chamber pursuant to Article 43, the judges of the Chamber that delivered the judgment may not sit on the Grand Chamber; this does not apply to the President of the Chamber and the judge who sat in the Chamber on behalf of the High Contracting Party involved as a party.

Art. 27

Powers of the Single Judge

- 1) A single judge may declare an application lodged under Article 34 inadmissible or strike it from the register if such a decision can be taken without further examination.
- 2) The decision is final.
- 3) If the single judge does not declare an appeal inadmissible and does not strike it from the Court's register, he or she shall refer it

to a committee or a chamber. Art. 28

Powers of the Committees

1) A committee to which an appeal filed under Art. 34 is referred may, by unanimous decision:

a) declare it inadmissible or strike it from the register if such a decision can be taken without further examination; or

b) declare it admissible and at the same time rule on the merits, provided that the question of interpretation or application of this Convention or its Protocols underlying the case is the subject of established case law of the Court.

2) The decisions and judgments referred to in paragraph 1 shall be final.

3) If the judge selected for the High Contracting Party involved as a party is not a member of the Committee, the Committee may invite him or her at any time during the proceedings to take the seat of a member of the Committee; in doing so, the Committee shall take into account all relevant circumstances, including the question of whether that High Contracting Party has objected to the application of the procedure under paragraph 1(b).

Art. 29

Decisions of the Chambers on the admissibility and merits

1) If no decision is rendered pursuant to Art. 27 or 28, nor any judgment pursuant to Art. 28, a Chamber shall decide on the admissibility and merits of the complaints lodged pursuant to Art. 34. The decision on admissibility may be rendered separately.

2) A Chamber shall decide on the admissibility and merits of State complaints lodged under Article 33. The decision on admissibility shall be issued separately, unless the Court decides otherwise in exceptional cases.

3) Repealed

Art. 30

Referral of the case to the Grand Chamber

If a case pending before a Chamber raises a serious question of interpretation of this Convention or the Protocols thereto, or if the decision on a question before it may lead to a departure

from a previous judgment of the Court, the Chamber may

refer the case to the Grand Chamber at any time before it has delivered its judgment. Art. 31

Powers of the Grand Chamber

The Grand Chamber

- a) shall rule on appeals lodged under Article 33 or Article 34 where a Chamber has referred the case to it under Article 30 or where the case has been referred to it under Article 43,
- b) decides on questions referred to the Court by the Committee of Ministers pursuant to Article 46, paragraph 4, and
- c) deals with requests for advisory opinions under Article 47.

Article 32

Jurisdiction of the Court

- 1) The jurisdiction of the Court shall extend to all matters relating to the interpretation and application of this Convention and the Protocols thereto which are referred to it under Articles 33, 34, 46, and 47.
- 2) If there is a dispute regarding the jurisdiction of the Court, the Court shall decide.

Art. 33

Complaints by States

Any High Contracting Party may bring a case before the Court concerning any alleged violation of this Convention and the Protocols thereto by another High Contracting Party.

Art. 34

Individual complaints

The Court may be seized of a complaint by any natural person, non-governmental organization, or group of individuals claiming to be the victim of a violation by a High Contracting Party of any of the rights recognized in this Convention or the Protocols thereto

. The High Contracting Parties undertake not to hinder the effective exercise of this right.

Art. 35

Conditions of admissibility

- 1) The Court may consider a matter only after all domestic remedies have been exhausted, in accordance with generally recognized principles of international law, and only within four months of

the final domestic decision.

2) The Court shall not consider an individual complaint lodged under Article 34 that

a) is anonymous, or

b) substantially duplicates a complaint previously examined by the Court, or has already been submitted to another international investigative or conciliation body and contains no new facts.

3) The Court shall declare an individual complaint lodged under Article 34 inadmissible:

a) if it considers it to be incompatible with this Convention or the Protocols thereto, manifestly ill-founded, or an abuse of the right of petition; or

b) if it considers that the applicant has not suffered any significant detriment, unless respect for human rights, as recognized in this Convention and the Protocols thereto, requires an examination of the merits of the application.

4) The Court shall strike out any application which it considers inadmissible under this Article. It may do so at any stage of the proceedings.

Art. 36

Participation of Third Parties

1) In all cases pending before a Chamber or the Grand Chamber, the High Contracting Party of which the applicant is a national shall be entitled to submit written observations and to participate in the oral proceedings.

2) In the interests of the administration of justice, the President of the Court may afford any High Contracting Party which is not a party to the proceedings, or any interested person other than the applicant, an opportunity to submit written observations or to take part in the oral proceedings.

3) In all cases pending before a Chamber or the Grand Chamber, the Council of Europe Commissioner for Human Rights may submit written observations and participate in the oral proceedings.

Art. 37

Striking out of Applications

1) The Court may, at any time during the proceedings, decide to strike an application from its register if the circumstances give reason to believe

- a) the applicant does not intend to pursue the application,
- b) the dispute has been resolved, or
- c) further examination of the application is not warranted for other reasons identified by the Court.

The Court shall, however, continue the examination of the application if respect for human rights, as recognized in this Convention and the Protocols thereto, so requires.

- 2) The Court may order the re-entry of an application in its register if it considers this justified in the circumstances.

Art. 38

Examination of the Case

The Court shall examine the case with the representatives of the parties and, if necessary, conduct an inquiry; the High Contracting Parties concerned shall afford all the facilities necessary for the effective conduct of the inquiry.

Art. 39

Amicable settlement

- 1) The Court may, at any time during the proceedings, place itself at the disposal of the parties with a view to reaching an amicable settlement based on respect for human rights as recognized in this Convention and the Protocols thereto.
- 2) The proceedings under paragraph 1 shall be confidential.
- 3) In the event of a friendly settlement, the Court shall strike the case from its list by means of a decision limited to a brief statement of the facts and the solution reached.
- 4) This decision shall be forwarded to the Committee of Ministers, which shall monitor the implementation of the amicable settlement as set forth in the decision.

Art. 40

Public Hearings and Access to Case Files

- 1) Hearings are public, unless the Court decides otherwise due to special circumstances.
- 2) The documents held by the Registrar are accessible to the public, unless the President of the Court decides otherwise.

Art. 41

Just compensation

If the Court finds that this Convention or the Protocols thereto have been violated, and if the domestic law of the High Contracting Party concerned permits only an inadequate remedy for the consequences of such violation, the Court shall award just satisfaction to the injured party, if necessary.

Art. 42

Judgments of the Chambers

Judgments of the Chambers shall become final in accordance with Article 44, paragraph 2. Art. 43

Referral to the Grand Chamber

- 1) Within three months of the date of the Chamber's judgment, any party may, in exceptional cases, request that the case be referred to the Grand Chamber.
- 2) A panel of five judges of the Grand Chamber shall accept the application if the case raises a serious question of the interpretation or application of this Convention or its Protocols, or a serious question of general importance.
- 3) If the committee accepts the request, the Grand Chamber shall decide the case by judgment.

Art. 44

Final Judgments

- 1) The judgment of the Grand Chamber is final.
- 2) The judgment of a Chamber shall become final
 - a) if the parties declare that they will not request the referral of the case to the Grand Chamber,
 - b) three months after the date of the judgment, if no request for referral of the case to the Grand Chamber has been made, or
 - c) if the Grand Chamber's Committee has rejected the request for referral under Article 43.
- 3) The final judgment shall be published.

Art. 45

Reasons for Judgments and Decisions

1) Judgments and decisions declaring appeals admissible or inadmissible shall be reasoned.

2) If a judgment does not fully or partially reflect the unanimous opinion of the judges, each judge is entitled to state his or her dissenting opinion.

Art. 46

Binding Nature and Enforcement of Judgments

1) The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.

2) The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.

3) If, in the opinion of the Committee of Ministers, the supervision of the execution of a final judgment is impeded by a question concerning the interpretation of that judgment, the Committee of Ministers may refer the matter to the Court for a ruling on that question of interpretation. The decision of the Committee of Ministers to refer the matter to the Court shall require a two-thirds majority of the votes of the members entitled to participate in the Committee's meetings.

4) If, in the opinion of the Committee of Ministers, a High Contracting Party refuses to comply with a final judgment of the Court in a case to which it is a party, the Committee of Ministers may, after having given notice to the Party concerned, by a resolution adopted by a two-thirds majority of the votes of the members entitled to participate in the meetings of the Committee, refer the matter to the Court to determine whether that Party has complied with its obligation under paragraph 1.

5) If the Court finds a violation of paragraph 1, it shall refer the case back to the Committee of Ministers for consideration of the measures to be taken. If the Court finds that there is no violation of paragraph 1, it shall refer the case back to the Committee of Ministers; the latter shall decide to discontinue its examination.

Art. 47

Advisory Opinions

1) The Court may, at the request of the Committee of Ministers, give advisory opinions on legal questions concerning the interpretation of this Convention and the Protocols thereto.

2) Such opinions shall not concern matters relating to the

content or scope of the rights and freedoms recognized in Section I of this Convention and in the Protocols thereto, nor any other matters on which the Court or the Committee of Ministers might have to rule pursuant to proceedings initiated under this Convention.

3) The decision of the Committee of Ministers to request an advisory opinion from the Court shall require a majority of the votes of the members entitled to participate in the Committee's meetings.

Art. 48

Advisory Jurisdiction of the Court

The Court shall decide whether a request by the Committee of Ministers for an advisory opinion falls within its competence under Article 47.

Art. 49

Reasons for the Opinions

1) The advisory opinions of the Court shall be reasoned.

2) If the advisory opinion does not, in whole or in part, reflect the unanimous opinion of the judges, each judge shall be entitled to state his or her dissenting opinion.

3) The Court's opinions shall be transmitted to the Committee of Ministers.

Art. 50

Costs of the Court

The expenses of the Court shall be borne by the Council of
Europe. Art. 51

Privileges and Immunities of the Judges

In the performance of their duties, the judges shall enjoy the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements concluded pursuant to that article.

Section III

Miscellaneous Provisions

Art. 52

Requests from the Secretary General

Upon receipt of a request to that effect from the Secretary General of the Council of Europe, each High Contracting Party shall furnish the necessary declarations as to the manner in which its domestic law ensures the effective application of all the provisions of this Convention.

Art. 53

Respect for recognized human rights

No provision of this Convention shall be interpreted as limiting or derogating from any of the human rights and fundamental freedoms set forth in the laws of a High Contracting Party or in any other agreement to which it is a party.

Art. 54

Powers of the Committee of Ministers

Nothing in this Convention shall limit the powers conferred on the Committee of Ministers by the Statute of the Council of Europe.

Art. 55

Exclusion of Other Dispute Settlement Procedures

The High Contracting Parties agree that, unless otherwise provided by specific agreements, they shall not invoke any treaties, conventions, or declarations in force between them to submit, on their own initiative, a dispute concerning the interpretation or application of this Convention to a procedure other than that provided for in the Convention.

Art. 56

Territorial Scope

- 1) Any State may, at the time of ratification or at any later date, by notification addressed to the Secretary General of the Council of Europe, declare that this Convention shall apply, subject to paragraph 4, to all or any of the territories for whose international relations it is responsible.
- 2) The Convention shall apply to the territory or territories specified in the declaration as from the thirtieth day following the receipt of the declaration by the Secretary General of the Council of Europe.
- 3) In the territories mentioned, the provisions of this Convention shall be applied taking into account local needs.
- 4) Any State that has made a declaration under paragraph 1 of this article may, at any later time, declare, in respect of one or more of the territories specified in such a declaration, that it accepts the jurisdiction of the Court to receive complaints from individuals, non-governmental organizations, or groups of individuals in accordance with Article 34 of this Convention.

Art. 57

Reservations

- 1) Any State may, upon signing this Convention or upon depositing its instrument of ratification, make a reservation regarding certain provisions of the Convention to the extent that a law in force in its territory at that time is inconsistent with the provision in question. Reservations of a general nature are not permitted under this Article.
- 2) Any reservation made under this Article must be accompanied by a brief summary of the relevant law.

Art. 58

Denunciation

- 1) A High Contracting Party may not denounce this Convention before the expiration of five years from the date on which the Convention enters into force for it, and only after giving six months' prior notice to the Secretary General of the Council of Europe; the Secretary General shall notify the other High Contracting Parties of the denunciation.
- 2) Such denunciation shall not have the effect of releasing the High Contracting Party concerned from its obligations under this Convention in respect of any act which might constitute a breach of those obligations and which was committed by that High Contracting Party prior to the date on which its withdrawal takes effect.
- 3) Subject to the same reservation, a Contracting Party which withdraws from the Council of Europe shall withdraw from this Convention.
- 4) In accordance with the provisions of the preceding paragraphs, the Convention may also be denounced in respect of a territory to which it has been extended pursuant to Article 56.

Art. 59

Signature and Ratification

- 1) This Convention shall be open for signature by the members of the Council of Europe; it shall be subject to ratification. Instruments of ratification shall be deposited with the Secretary General of the Council of Europe.
- 2) The European Union may accede to this Convention.
- 3) This Convention shall enter into force upon the deposit of ten instruments of ratification.

4) For any signatory State whose ratification is effected at a later date, the Convention shall enter into force on the date of deposit of its instrument of ratification.

5) The Secretary General of the Council of Europe shall notify all members of the Council of Europe of the entry into force of the Convention, the names of the High Contracting Parties that have ratified it, and the deposit of any instrument of ratification received subsequently.

Art. 60–66 Repealed

Done at Rome, on 4 November 1950, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to all signatory States.

(Signatures follow)

Reservations pursuant to Article 64 and other
declarations Liechtenstein

1. Withdrawn

2. Pursuant to Article 64 of the Convention, the Principality of Liechtenstein enters the reservation that the provisions of Article 6, paragraph 1, of the Convention regarding the public nature of proceedings and the pronouncement of judgments shall apply only within the limits derived from principles currently expressed in the following Liechtenstein laws:

Law of December 10, 1912, on Judicial Proceedings in Civil Disputes, LGBL 1912 No. 9/I;

Law of December 10, 1912, on the Exercise of Jurisdiction and the Competence of Courts in Civil Matters, LGBL 1912 No. 9/II;

Law of December 31, 1913, on the Introduction of a Code of Criminal Procedure, LGBL 1914 No. 3;

Law of April 21, 1922, on Legal Aid Proceedings, LGBL 1922 No. 19;

Law of April 21, 1922, on General State Administration, LGBL 1922 No. 24;

Law of November 5, 1925, on the State Court, LGBL 1925 No. 8;

Law of January 30, 1961, on State and Municipal Taxes, LGBL 1961 No. 7;

Law of November 13, 1974, on the Acquisition of Real Property, LGBL 1975 No.

5. The statutory provisions governing juvenile criminal proceedings:

in the Criminal Code on Crimes, Misdemeanors, and Offenses of May 27, 1852, Official Compilation of Liechtenstein Legal Provisions up to 1863; in the Court Organization Act of April 7, 1922, LGBl. 1922 No. 16; in the Act of June 1, 1922, concerning amendments to criminal law, the Code of Criminal Procedure, and their supplementary and ancillary laws, LGBl. 1922 No. 21; in the Act of December 23, 1958, on the Protection and Welfare of Youth, LGBl. 1959 No. 8.

3. Repealed

4. Repealed

5. Pursuant to Art. 64 of the Convention, the Principality of Liechtenstein enters the reservation that the right to respect for family life guaranteed in Art. 8 of the Convention on Human Rights shall be regulated for foreigners in accordance with the principles currently set forth in the Ordinance of September 9, 1980 (LGBl. 1980 No. 66).

Declaration regarding Article 25:

The Principality of Liechtenstein recognizes, for a period of three years from the date of submission of this declaration pursuant to Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the competence of the European Commission of Human Rights to examine any application addressed to the Secretary General of the Council of Europe by any natural person, non-governmental organization, or association of individuals who claims to have suffered a violation of the rights recognized in the Convention for the Protection of Human Rights and Fundamental Freedoms that occurred after the adoption of this Declaration.

Declaration on Article 46:

The Principality of Liechtenstein recognizes, for a period of three years from the date of the deposit of this declaration, in accordance with Article 46 of the Convention, the jurisdiction of the European Court of Human Rights, without further formalities and without a special agreement, in respect of any other State Party to the Convention that assumes the same obligation, in all matters relating to the interpretation and application of the Convention, as binding.

Austria

... the Federal President declares this Convention subject to the reservation that

Convention for the Protection of Human Rights and Fundamental
Freedoms

1. the provisions of Article 5 of the Convention shall be applied, provided that the measures involving deprivation of liberty provided for in the Administrative Procedure Acts (Federal Law Gazette No. 172/1950) remain unaffected by the review by the Administrative Court or the Constitutional Court as provided for in the Austrian Federal Constitution;
2. the provisions of Article 6 of the Convention shall be applied, provided that the principles regarding the public nature of judicial proceedings set forth in Article 90 of the Federal Constitutional Law in the 1929 version are in no way impaired ..., as ratified.

XXI. Additional Protocol

to the Convention for the Protection of Human Rights and Fundamental

Freedoms Signed in Paris on March 20, 1952

Approval by the Landtag: September 14, 1995 Entry into

force for the Principality of Liechtenstein: November 14, 1995

Determined to adopt measures for the collective safeguarding of certain rights and freedoms in addition to those already provided for in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950 (hereinafter referred to as the “Convention”),

the signatory Governments, being members of the Council of Europe, agree as follows:

Art. 1

Protection of Property¹

1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

2) The foregoing provisions shall, however, in no way prejudice the right of the State to enforce such laws as it deems necessary to regulate the use of property in accordance with the general interest or to secure the payment of taxes, other public charges, or fines.

Art. 2

Right to Education

No one shall be denied the right to education. In the exercise of the functions it assumes in the field of education and teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Art. 3

Right to Free Elections

The High Contracting Parties undertake to hold, at reasonable intervals, free and secret elections under conditions that ensure the free

expression of the people's will in the election of legislative bodies.

Art. 4

Territorial Scope

1) Any of the High Contracting Parties may, at the time of signature, ratification, or at any time thereafter, address a declaration to the Secretary General of the Council of Europe stating the extent to which it undertakes to apply the provisions of this Protocol to the territories specified in such declaration for whose international relations it is responsible.

2) Any High Contracting Party which has made a declaration in accordance with the preceding paragraph may, from time to time, make a further declaration modifying the content of a previous declaration or terminating the application of the provisions of this Protocol to any territory.

3) A declaration made in accordance with this Article shall be deemed to be a declaration made pursuant to Article 56(1) of the Convention.

Art. 5

Relationship to the Convention

The High Contracting Parties shall consider the provisions of Articles 1, 2, 3, and 4 of this Protocol as additional articles to the Convention; all provisions of the Convention shall apply accordingly.

Art. 6

Signature and Ratification

1) This Protocol shall be open for signature by the members of the Council of Europe who have signed the Convention; it shall be ratified at the same time as the Convention or at a later date. It shall enter into force upon the deposit of ten instruments of ratification. For any signatory State whose ratification takes place at a later date, the Protocol shall enter into force on the date of deposit of its instrument of ratification.

2) The instruments of ratification shall be deposited with the Secretary General of the Council of Europe, who shall notify all members of the names of the States that have ratified the Protocol.

Done at Paris on 20 March 1952 in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to all signatory States.

XXII. Protocol No. 4

to the Convention for the Protection of Human Rights and Fundamental Freedoms

Signed in Strasbourg on 16 September 1963

Approval by the Landtag: December 16, 2004 Entry into

force for the Principality of Liechtenstein: February 8, 2005

The signatory governments, members of the Council of Europe—
resolved to take measures to collectively guarantee certain rights and freedoms
which are not yet included in Section I of the Convention for the Protection of
Human Rights and Fundamental Freedoms (hereinafter referred to as the
“Convention”), signed in Rome on 4 November 1950, and in Articles 1 to 3 of the
First Protocol to the Convention, signed in Paris on 20 March 1952—
have agreed as follows:

Article 1

Prohibition on Deprivation of Liberty for Debt

No one may be deprived of liberty solely because they are unable to fulfill a
contractual obligation.

**Art. 2 Freedom
of Movement**

- 1) Every person lawfully present in the territory of a State has the right to move
freely within that territory and to choose their place of residence freely.
- 2) Everyone is free to leave any country, including their own.
- 3) The exercise of these rights may be subject only to such limitations as are
prescribed by law and are necessary in a democratic society for national security or
public safety, for the maintenance of public order, for the prevention of crime, for
the protection of health or morals, or for the protection of the rights and freedoms
of others.
- 4) The rights recognized in paragraph 1 may also be subject, in respect of certain
areas, to restrictions prescribed by law and justified in a democratic society by the
public interest.

Art. 3

Prohibition on the Expulsion of National Citizens

- 1) No one may be expelled from the territory of the State of which he is a national by means of an individual or collective measure.
- 2) No one may be deprived of the right to enter the territory of the State of which he is a national.

Art. 4

Prohibition of Collective Expulsion of Foreign Nationals Collective expulsions of foreign nationals are not permitted. Art. 5

Territorial Scope

- 1) Any High Contracting Party may, at the time of signature or ratification of this Protocol, or at any later date, address a declaration to the Secretary General of the Council of Europe specifying the extent to which it undertakes to apply this Protocol to the territories specified in the declaration for whose international relations it is responsible.
- 2) Any High Contracting Party which has made a declaration under paragraph 1 may at any time make a further declaration modifying the content of a previous declaration or terminating the application of the provisions of this Protocol to any territory.
- 3) A declaration made under this Article shall be deemed to be a declaration within the meaning of Article 56, paragraph 1, of the Convention.
- 4) The territory of a State to which this Protocol applies by virtue of ratification or acceptance by that State, and any territory to which the Protocol applies by virtue of a declaration made by that State under this Article, shall be considered separate territories insofar as Articles 2 and 3 refer to the territory of a State.
- 5) Any State that has made a declaration under paragraph 1 or 2 may, at any time thereafter, declare, in respect of one or more of the territories specified in the declaration, that it accepts the jurisdiction of the Court to receive complaints from individuals, non-governmental organizations, or groups of individuals under Article 34 of the Convention, in respect of Articles 1 to 4 of this Protocol as a whole or in respect of any of those articles individually.

MRK 4

Art. 6

Relationship to the Convention

The High Contracting Parties shall regard Articles 1 to 5 of this Protocol as additional articles to the Convention; all provisions of the Convention shall apply accordingly.

Article 7

Signature and Ratification

1) This Protocol shall be open for signature by the members of the Council of Europe who are signatories to the Convention; it shall be ratified simultaneously with the Convention or at a later date. It shall enter into force upon the deposit of five instruments of ratification. For any signatory ratifying the Protocol at a later date, it shall enter into force upon the deposit of the instrument of ratification.

2) The instruments of ratification shall be deposited with the Secretary General of the Council of Europe, who shall notify all members of the names of the States that have ratified the Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Strasbourg on 16 September 1963 in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to all signatory States.

XXIII. Protocol No. 6

to the Convention for the Protection of Human Rights and Fundamental Freedoms
concerning the Abolition of the Death Penalty

Concluded in Strasbourg on April 28, 1983;

approved by the Landtag on September 12,

1990

Entry into force for the Principality of Liechtenstein: December 1, 1990

The member States of the Council of Europe, signatory to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as “the Convention”), Considering that developments in various member states of the Council of Europe reflect a general trend toward the abolition of the death penalty,

have agreed as follows:

Art. 1

Abolition of the Death Penalty

The death penalty is abolished. No one shall be sentenced to or executed by this penalty.

Art. 2

Death Penalty in Times of War

A State may, in its law, provide for the death penalty for acts committed in time of war or in the event of an imminent threat of war; this penalty may be applied only in the cases provided for by law and in accordance with its provisions. The State shall communicate the relevant legal provisions to the Secretary General of the Council of Europe.

Art. 3

Prohibition on Derogation

The provisions of this Protocol may not be derogated from under Article 15 of the Convention.

Art. 4

Prohibition of Reservations

Reservations under Article 57 of the Convention to provisions of this Protocol are not permitted.

Art. 5

Territorial Scope

1) Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, or approval, specify one or more territories to which this Protocol shall apply.

2) Any State may, at any time thereafter, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. The Protocol shall enter into force in respect of such territory on the first day of the month following the receipt of the notification by the Secretary General.

3) Any declaration made under paragraphs 1 and 2 may be withdrawn, in respect of any territory specified therein, by notification addressed to the Secretary-General. The withdrawal shall take effect on the first day of the month following the receipt of the notification by the Secretary-General.

Art. 6

Relationship to the Convention

The Contracting States shall consider Articles 1 through 5 of this Protocol as additional articles to the Convention; all provisions of the Convention shall apply accordingly.

Art. 7

Signature and Ratification

This Protocol shall be open for signature by the member States of the Council of Europe which have signed the Convention. It shall be subject to ratification, acceptance, or approval. A member State of the Council of Europe may ratify, accept, or approve this Protocol only if the Convention has been ratified at the same time or earlier. The instruments of ratification, acceptance, or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 8 Entry into

Force

1) This Protocol shall enter into force on the first day of the month following the date on which five member states of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with Article 7.

2) For each Member State that subsequently expresses its consent to be bound by the Protocol, it shall enter into force on the first day of the month following the deposit of its instrument of ratification, acceptance, or approval. Art. 9

Duties of the Depositary

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe:

- a) any signature;
- b) any deposit of an instrument of ratification, acceptance, or approval;
- c) any date of entry into force of this Protocol in accordance with Articles 5 and 8;
- d) any other act, notification, or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Strasbourg on 28 April 1983 in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to all member States of the Council of Europe.

XXIV. Protocol No. 7

to the Convention for the Protection of Human Rights and Fundamental
Freedoms Concluded at Strasbourg on 22 November 1984

Approval by the Landtag: December 16, 2004

Entry into force for the Principality of Liechtenstein: May 1,
2005 The member states of the Council of Europe signing this
Protocol—

resolved to take further measures to collectively guarantee certain rights and
freedoms under the Convention for the Protection of Human Rights and
Fundamental Freedoms, signed in Rome on November 4, 1950 (hereinafter
referred to as the “Convention”)—

have agreed as follows:

Art. 1

Procedural Safeguards Concerning the Expulsion of Foreign Nationals

1) An alien lawfully present in the territory of a State may be expelled from that
State only on the basis of a decision lawfully taken; he must be permitted to

a) present arguments against his or her expulsion,

b) have their case reviewed, and

c) be represented for this purpose before the competent authority or one or more
persons designated by that authority.

2) A foreign national may be expelled before exercising their rights under
paragraph 1(a), (b), and (c) if such expulsion is necessary in the interest of public
order or is carried out for reasons of national security.

Art. 2

Appeals in Criminal Matters

1) Any person convicted of a criminal offense by a court has the right to have the
judgment reviewed by a higher court. The exercise of this right and the grounds
on which it may be exercised are governed by law.

2) Exceptions to this right are possible for minor offenses, as defined in more detail
by law, or in cases where the proceedings against a person took place in the first
instance before the Supreme Court or in

where a person has been convicted following an appeal against their acquittal.

Art. 3

Right to Compensation for Wrongful Convictions

If a person has been finally convicted of a criminal offense and the conviction is subsequently overturned or the person is pardoned because a new or newly discovered fact conclusively proves that the conviction was erroneous, then, if the person has served a sentence based on such a judgment, he or she shall be compensated in accordance with the law or practice of the State concerned, unless it is established that the failure to disclose the relevant fact in a timely manner is wholly or partly attributable to him or her.

Art. 4

Right not to be tried or punished twice for the same offense

- 1) No one shall be prosecuted or punished in criminal proceedings in the same State for an offense for which he has already been finally convicted or acquitted in accordance with the law and the criminal procedure of that State.
- 2) Paragraph 1 does not preclude the reopening of proceedings under the law and criminal procedure of the State concerned if new facts or facts that have recently come to light exist, or if the previous proceedings were marred by serious defects affecting the outcome of the proceedings.
- 3) No derogation from this article is permitted under Article 15 of the Convention.

Article 5

Equality of Spouses

With regard to marriage, during the marriage, and upon dissolution of the marriage, spouses have equal rights and obligations of a private-law nature in their relations with each other and with their children. This article does not prevent States from taking measures necessary in the interest of the children.

Art. 6

Territorial Scope

- 1) Each State may, at the time of signature or when depositing its instrument of ratification, acceptance, or approval, specify one or more territories to which this Protocol shall apply, and declare the

what extent it undertakes to apply this Protocol to those territories.

2) Any State may, at any time thereafter, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. The Protocol shall enter into force in respect of such territory on the first day of the month following the expiration of a period of two months after the date of receipt of the declaration by the Secretary General.

3) Any declaration made in accordance with paragraphs 1 and 2 may be withdrawn or amended in respect of any territory specified therein by means of a notification addressed to the Secretary General. The withdrawal or amendment shall take effect on the first day of the month following a period of two months after the notification has been received by the Secretary General.

4) A declaration made under this Article shall be deemed to be a declaration within the meaning of Article 56(1) of the Convention.

5) The territory of a State to which this Protocol applies by virtue of ratification, acceptance, or approval by that State, and any territory to which the Protocol applies by virtue of a declaration made by that State under this Article, may be considered separate territories to the extent that Article 1 refers to the territory of a State.

6) Any State that has made a declaration under paragraph 1 or 2 may, at any time thereafter, declare in respect of one or more of the territories specified in the declaration that it accepts the competence of the Court to receive complaints from natural persons, non-governmental organizations, or groups of individuals under Article 34 of the Convention, for which Articles 1 to 5 of this Protocol apply. Art.

7

Relationship to the Convention

The Contracting States shall regard Articles 1 to 6 of this Protocol as additional articles to the Convention; all provisions of the Convention shall apply accordingly.

Art. 8

Signature and Ratification

This Protocol shall be open for signature by the member States of the Council of Europe which have signed the Convention. It shall be subject to ratification, acceptance, or approval. A member State of the Council of Europe may

only ratify, accept, or approve this Protocol if it simultaneously ratifies the Convention or has previously ratified it. Instruments of ratification, acceptance, or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 9 Entry

into Force

1) This Protocol shall enter into force on the first day of the month following the expiration of a period of two months after the date on which seven member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with Article 8.

2) For each Member State that subsequently expresses its consent to be bound by the Protocol, it shall enter into force on the first day of the month following a period of two months after the deposit of the instrument of ratification, acceptance, or approval.

Art. 10

Duties of the Depositary

The Secretary General of the Council of Europe shall notify all member States of the Council of Europe

- a) any signature;
- b) any deposit of an instrument of ratification, acceptance, or approval;
- c) any date of entry into force of this Protocol in accordance with Articles 6 and 9;
- d) any other act, notification, or declaration relating to this Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Strasbourg on 22 November 1984 in the English and French languages, both texts being equally authentic, in a single original, which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to all member States of the Council of Europe.

MRK 7

XXV. Protocol No. 8

to the Convention for the Protection of Human Rights and Fundamental
Freedoms Signed at Vienna on 19 March 1985

Approval by the Landtag: July 4, 1985

Entry into force for the Principality of Liechtenstein: January 1, 1990

The member states of the Council of Europe, signatory to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as “the Convention”), Considering that it is desirable to amend certain provisions of the Convention in order to improve and, above all, expedite the proceedings of the European Commission of Human Rights,

Considering that it is also appropriate to amend certain provisions of the Convention concerning the procedure of the European Court of Human Rights, have agreed as follows:

Art. 1

The existing text of Article 20 of the Convention shall become paragraph 1 of that article and shall be supplemented by the following four paragraphs:

"2) The Commission shall meet in plenary session. It may, however, establish chambers, each consisting of at least seven members. The chambers may examine applications submitted pursuant to Article 25 of this Convention that can be dealt with on the basis of established case law or that do not raise serious questions regarding the interpretation or application of the Convention. Subject to this restriction and the provisions of paragraph 5 of this Article, the chambers shall exercise all the powers conferred on the Commission by the Convention.

The member of the Commission elected for a High Contracting Party against which the application is directed shall have the right to sit on the Chamber to which that application has been assigned.

3) The Commission may establish committees consisting of at least three members, which shall have the power, to be exercised unanimously, to declare a request submitted pursuant to Article 25 inadmissible or to strike it from its register if such a decision can be made without further examination.

- 4) A chamber or committee may at any time relinquish its jurisdiction in favor of the Commission's plenary session; the plenary session may also take over a request assigned to a chamber or committee.
- 5) The following powers may be exercised only by the plenary session of the Commission:
- a) to review complaints filed pursuant to Art. 24;
 - b) to initiate proceedings before the Court of Justice pursuant to Article 48a;
 - c) to adopt the Rules of Procedure pursuant to Article

36." Article 2

Article 21 of the Convention is supplemented by the following paragraph 3:

"3) Candidates must be of the highest moral character and must either be qualified to hold high judicial office or be persons of recognized standing in the field of domestic or international law."

Art. 3

Article 23 of the Convention is supplemented by the following sentence:

"During their term of office, they shall not hold any position that is incompatible with their independence and impartiality as members of the Commission or with the availability required for this office."

Art. 4

The amended text of Article 28 of the Convention shall become paragraph 1 of that article; the amended text of Article 30 shall become paragraph 2. The new Article 28 now reads as follows:

"Art. 28

1) If the Commission accepts the request,

- a) it shall, for the purpose of establishing the facts, conduct a hearing with the representatives of the parties and, if necessary, an investigation of the matter; the States concerned shall, following an exchange of views with the Commission, grant all facilities necessary for the effective conduct of the investigation;
- b) it shall at the same time make itself available to the parties concerned so that an amicable settlement of the matter may be reached on the basis of respect for human rights as enshrined in this Convention.

2) If the Commission succeeds in reaching an amicable settlement, it shall draw up a report to be forwarded to the States concerned, the Committee of Ministers, and the

MRK 8

Secretary General of the Council of Europe for publication. The report shall be limited to a brief statement of the facts and the solution reached."

Art. 5

In Article 29, paragraph 1, of the Convention, the words "unanimous decision" shall be replaced by the words "decision by a two-thirds majority of its members."

Art. 6

The following provision shall be inserted into the Convention:

"Art. 30

1) The Commission may, at any stage of the proceedings, decide to strike an application from its register if the circumstances give reason to believe

- a) that the applicant does not intend to pursue the application;
- b) that the matter has been resolved, or
- c) that, for other reasons determined by the Commission, it is no longer justified to continue examining the application.

The Commission shall, however, continue the examination of an application if respect for human rights, as enshrined in this Convention, so requires.

2) If the Commission decides to remove an application from its register after it has been accepted, it shall prepare a report setting out the facts of the case and the reasons for the decision to remove the application. The report shall be transmitted to both the parties and the Committee of Ministers for their information. The Commission may publish it.

3) The Commission may order the re-entry of an application in its register if it considers this justified in the circumstances."

Art. 7

Article 31, paragraph 1 of the Convention reads as follows:

"1) If the examination of an application is not concluded in accordance with Article 28 (paragraph 2), 29, or 30, the Commission shall draw up a report on the facts and give its opinion on whether the facts established indicate that the State concerned has violated its obligations under the Convention. This report may include the views of individual members of the Commission on this point."

Art. 8

Article 34 of the Convention reads as follows:

"Subject to Articles 20 (3) and 29, the Commission shall make its decisions by a majority vote of the members present and participating in the vote."

Art. 9

Article 40 of the Convention is supplemented by the following paragraph 7:

"7) The members of the Court shall serve on the Court in their individual capacity. During their term of office, they may not hold any position that is incompatible with their independence and impartiality as members of the Court or with the availability required for this office."

Art. 10

Article 41 of the Convention reads as follows:

"The Court shall elect its President and one or two Vice-Presidents for a term of three years. Re-election is permitted."

Art. 11

In the first sentence of Article 43 of the Convention, the word "seven" is replaced by the word "nine."

Art. 12

1) This Protocol shall be open for signature by the member States of the Council of Europe which have signed the Convention; they may express their consent to be bound by it

a) by signing it without reservation as to ratification, acceptance, or approval, or

b) by signing it subject to ratification, acceptance, or approval and subsequently ratifying, accepting, or approving it.

2) The instruments of ratification, acceptance, or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 13

This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol in accordance with Article 12.

Art. 14

The Secretary General of the Council of Europe shall notify the member States of the Council
a) of any signature;

b) any deposit of an instrument of ratification, acceptance, or approval;

c) the date of entry into force of this Protocol in accordance with Article 13;

d) any other act, notification, or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed
this Protocol.

Done at Vienna on 19 March 1985 in the English and French languages, both texts
being equally authentic, in a single original, which shall be deposited in the
archives of the Council of Europe. The Secretary General of the Council of Europe
shall transmit certified copies to all member States of the Council of Europe.

XXVI. Protocol No. 11

to the Convention for the Protection of Human Rights and Fundamental Freedoms regarding the reform of the monitoring mechanism established by the Convention

Done at Strasbourg on 11 May 1994 Approval

by the Landtag: 14 September 1995

Entry into force for the Principality of Liechtenstein: November 1, 1998

Preamble

The member states of the Council of Europe, signatory to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as “the Convention”)—

Considering that there is an urgent need to reform the supervisory mechanism established by the Convention in order to maintain and improve the effectiveness of the protection of human rights and fundamental freedoms provided by the Convention, particularly in view of the increase in applications and the growing number of Council of Europe members,

Considering that it is therefore desirable to amend certain provisions of the Convention, in particular to replace the existing European Commission of Human Rights and the existing European Court of Human Rights with a new permanent court,

having regard to Resolution No. 1, adopted at the European Ministerial Conference on Human Rights held in Vienna on 19 and 20 March 1985,

having regard to Recommendation 1194 (1992) of the Parliamentary Assembly of the Council of Europe of 6 October 1992,

In view of the decision taken by the Heads of State and Government of the member states of the Council of Europe in the Vienna Declaration of 9 October 1993 regarding the reform of the monitoring mechanism of the Convention - have agreed as follows:

Art. 1

The existing text of Sections II to IV of the Convention (Art. 19 to 56) and Protocol No. 2, which confers on the European Court of Human Rights the competence to issue advisory opinions, shall be replaced by the following Section II of the Convention (Art. 19 to 51).

MRK11

Section II

European Court of Human Rights Art. 19

Establishment of the Court

To ensure compliance with the obligations undertaken by the High Contracting Parties in this Convention and the Protocols thereto, a European Court of Human Rights, hereinafter referred to as “the Court,” is hereby established. It shall perform its functions as a permanent court.

Art. 20

Number of Judges

The number of judges of the Court of Justice shall correspond to the number of High Contracting Parties.

Art. 21

Qualifications for Office

- 1) The judges must be persons of high moral character and must either meet the qualifications required for the exercise of high judicial office or be jurists of recognized standing.
- 2) The judges shall serve on the Court in their personal capacity.
- 3) During their term of office, judges may not engage in any activity incompatible with their independence, their impartiality, or the requirements of full-time service in this office; all questions arising from the application of this paragraph shall be decided by the Court.

Art. 22

Election of Judges

- 1) The judges shall be elected by the Parliamentary Assembly for each High Contracting Party by a majority vote from a list of three candidates proposed by the High Contracting Party.
- 2) The same procedure shall apply to the appointment of additional members of the Court in the event of the accession of new High Contracting Parties and to the filling of vacancies.

Art. 23

Term of office

- 1) The judges are elected for a term of six years. They may be re-elected. However, the term of office of half of the judges elected in the first election ends after three years.
- 2) The judges whose terms end after three years are selected by lot by the Secretary General of the Council of Europe immediately after their election.
- 3) To ensure, as far as possible, that half of the judges are newly elected every three years, the Parliamentary Assembly may decide, prior to any subsequent election, that the term of office of one or more of the judges to be elected shall not be six years, provided that such term of office shall be neither longer than nine years nor shorter than three years.
- 4) If several posts are to be filled and the Parliamentary Assembly applies paragraph 3, the allocation of terms of office shall be determined by lot by the Secretary General of the Council of Europe immediately after the election.
- 5) A judge elected to replace a judge whose term has not yet expired shall serve for the remainder of his or her predecessor's term.
- 6) The term of office of the judges ends upon reaching the age of 70.
- 7) Judges remain in office until their successors take office. However, they continue to hear cases with which they are already occupied.

Art. 24

Dismissal

A judge may be dismissed only if the other judges decide by a two-thirds majority that he or she no longer meets the necessary requirements.

Art. 25

Registry and Research Staff

The Court has a Registry, whose duties and organization are set forth in the Rules of Procedure of the Court. The Court is assisted by research staff.

Art. 26

Plenary Session of the Court

The Plenary Session of the

Court

- a) elects its President and one or two Vice-Presidents for a term of three years; they may be re-elected,
- b) establishes chambers for a specific period,

c) elects the Presidents of the Chambers of the Court; they may be re-elected,

d) adopts the Rules of Procedure of the Court, and

e) elects the Registrar and one or more Deputy Registrars. Art. 27

Committees, Chambers, and the Grand Chamber

1) To hear the cases brought before it, the Court shall sit in sections of three judges, in chambers of seven judges, and in a Grand Chamber of seventeen judges. The chambers of the Court shall constitute the sections for a specified period.

2) The Chamber and the Grand Chamber shall include, ex officio, the judge elected for the State that is a party to the case or, if no such judge is available or if he or she is unable to attend the hearings, a person designated by that State who shall participate in the hearings in the capacity of a judge.

3) The Grand Chamber shall also include the President of the Court, the Vice-Presidents, the Presidents of the Chambers, and other judges selected in accordance with the Rules of Procedure of the Court. If a case is referred to the Grand Chamber pursuant to Article 43, the judges of the Chamber that delivered the judgment may not sit on the Grand Chamber; this shall not apply to the President of the Chamber and the judge who sat in the Chamber on behalf of the State party to the proceedings.

Art. 28

Declarations of Inadmissibility by Committees

A committee may, by unanimous decision, declare an individual complaint filed under Art. 34 inadmissible or remove it from the register if such a decision can be made without further examination. The decision is final.

Art. 29

Decisions of the Chambers on Admissibility and Merits

1) If no decision is issued pursuant to Art. 28, a Chamber shall decide on the admissibility and merits of individual complaints lodged pursuant to Art. 34.

2) A Chamber shall decide on the admissibility and merits of State complaints lodged under Article 33.

3) The decision on admissibility shall be rendered separately, unless the Court decides otherwise in exceptional cases.

Art. 30

Referral of the case to the Grand Chamber

If a case pending before a Chamber raises a serious question of interpretation of this Convention or the Protocols thereto, or if the decision on a question before it may lead to a departure from a previous judgment of the Court, the Chamber may, at any time before it has delivered its judgment, refer the case to the Grand Chamber, unless a party objects.

Art. 31

Powers of the Grand Chamber

The Grand Chamber

a) shall decide on appeals lodged under Article 33 or Article 34 where a Chamber has referred the case to it under Article 30 or where the case has been referred to it under Article 43, and

b) shall consider requests under Article 47 for the submission of expert opinions. Article 32

Jurisdiction of the Court

1) The jurisdiction of the Court of Justice extends to all matters concerning the interpretation and application of this Convention and its Protocols which are referred to it under Articles 33, 34, and 47.

2) If there is a dispute regarding the jurisdiction of the Court, the Court shall decide.

Art. 33 Applications

by States

Any High Contracting Party may bring a case before the Court concerning any alleged violation of this Convention and the Protocols thereto by another High Contracting Party.

Art. 34 Individual

complaints

The Court may be seized of a complaint by any natural person, non-governmental organization, or group of individuals claiming that one of the High Contracting

High Contracting Party, to submit a complaint to the Court. The High Contracting Parties undertake not to hinder the effective exercise of this right.

Art. 35 Conditions of

Admissibility

- 1) The Court may only consider a matter after all domestic remedies have been exhausted in accordance with generally recognized principles of international law and only within a period of six months following the final domestic decision.
- 2) The Court shall not consider an individual complaint lodged under Article 34 which
 - a) is anonymous, or
 - b) substantially corresponds to a complaint previously examined by the Court or has already been submitted to another international investigative or conciliation body and contains no new facts.
- 3) The Court shall declare an individual complaint lodged under Article 34 inadmissible if it considers it incompatible with this Convention or the Protocols thereto, manifestly ill-founded, or an abuse of the right of petition.
- 4) The Court shall strike out any application which it considers inadmissible under this Article. It may do so at any stage of the proceedings.

Art. 36

Intervention by

third parties

- 1) In all cases pending before a Chamber or the Grand Chamber, the High Contracting Party of which the applicant is a national shall be entitled to submit written observations and to take part in the oral proceedings.
- 2) In the interests of the administration of justice, the President of the Court may grant any High Contracting Party which is not a party to the proceedings, or any interested person who is not the applicant, the opportunity to submit written observations or to take part in the oral proceedings.

Art. 37

Dismissal of Complaints

1) The Court may, at any time during the proceedings, decide to strike an appeal from its register if the circumstances give reason to believe that

- a) the complainant does not intend to pursue the complaint,
- b) the dispute has been resolved, or
- c) further examination of the application is not justified for other reasons determined by the Court.

The Court shall, however, continue the examination of the application if respect for human rights, as recognized in this Convention and the Protocols thereto, so requires.

2) The Court may order the re-entry of an application in its register if it considers this justified in the circumstances.

Art. 38

Examination of the case and friendly settlement

1) If the Court declares the application admissible,

- a) it shall proceed with the examination of the case in consultation with the representatives of the parties and, if necessary, conduct an inquiry; the States concerned shall afford all the facilities necessary for the effective conduct of the inquiry;
- b) it shall remain at the disposal of the parties with a view to reaching an amicable settlement based on respect for human rights as recognized in this Convention and the Protocols thereto.

2) The proceedings under paragraph 1(b) are confidential. Art. 39

Amicable Settlement

In the event of an amicable settlement, the Court shall strike the case from its register by means of a decision limited to a brief statement of the facts and the solution reached.

Art. 40

Public Hearing and Inspection of the Case File

- 1) Hearings shall be public, unless the Court decides otherwise due to special circumstances.
- 2) The documents held by the Registrar shall be accessible to the public, unless the President of the Court decides otherwise.

Art. 41

Just Compensation

If the Court finds that this Convention or the Protocols thereto have been violated, and if the domestic law of the High Contracting Party concerned permits only an inadequate remedy for the consequences of such violation, the Court shall award just satisfaction to the injured party, if necessary.

Art. 42

Judgments of the Chambers

Judgments of the Chambers become final in accordance with Article 44(2). Article 43

Referral to the Grand Chamber

- 1) Within three months of the date of the Chamber's judgment, any party may, in exceptional cases, request that the case be referred to the Grand Chamber.
- 2) A panel of five judges of the Grand Chamber shall accept the request if the case raises a serious question of the interpretation or application of this Convention or the Protocols thereto, or a serious question of general importance.
- 3) If the committee accepts the request, the Grand Chamber shall decide the case by judgment.

Art. 44

Final Judgments

- 1) The judgment of the Grand Chamber shall be final.
- 2) The judgment of a Chamber shall become final
 - a) if the parties declare that they will not request that the case be referred to the Grand Chamber,
 - b) three months after the date of the judgment, unless a request has been made to refer the case to the Grand Chamber, or
 - c) if the Committee of the Grand Chamber has rejected the request for referral under Article 43.
- 3) The final judgment shall be published.

Art. 45

Reasons for Judgments and Decisions

- 1) Judgments and decisions declaring applications admissible or inadmissible shall state the reasons on which they are based.
- 2) If a judgment does not, in whole or in part, reflect the unanimous opinion of the judges, any judge is entitled to state his or her dissenting opinion.

Art. 46

Binding Nature and Enforcement of Judgments

- 1) The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.
- 2) The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.

Art. 47

Advisory

Opinions

- 1) The Court may, at the request of the Committee of Ministers, give advisory opinions on legal questions concerning the interpretation of this Convention and the Protocols thereto.
- 2) Such opinions shall not concern matters relating to the content or scope of the rights and freedoms recognized in Section I of this Convention and in the Protocols thereto, nor any other matters on which the Court or the Committee of Ministers might have to rule in proceedings initiated under this Convention.
- 3) The decision of the Committee of Ministers to request an advisory opinion from the Court shall require a majority of the votes of the members entitled to participate in the Committee's meetings.

Art. 48

Advisory Jurisdiction of the Court

The Court shall decide whether a request by the Committee of Ministers for an advisory opinion falls within its competence under Article 47.

Art. 49

Reasons for the Opinions

- 1) The opinions of the Court shall be reasoned.
- 2) If the opinion does not, in whole or in part, reflect the unanimous opinion of the judges, each judge shall be entitled to state his or her dissenting opinion.

3) The Court's opinions shall be transmitted to the Committee of Ministers.

Art. 50

Costs of the Court

The costs of the Court shall be borne by the Council of Europe.

Art. 51

Privileges and immunities of the judges

In the performance of their duties, the judges shall enjoy the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements concluded pursuant to that article.

Art. 2

1) Section V of the Convention shall become Section III of the Convention; Article 57 of the Convention shall become Article 52 of the Convention; Articles 58 and 59 of the Convention shall be deleted, and Articles 60 through 66 of the Convention shall become Articles 53 through 59 of the Convention.

2) Section I of the Convention shall be entitled "Rights and Freedoms," and the new Section III of the Convention shall be entitled "Miscellaneous Provisions." Articles 1 through 18 and the new Articles 52 through 59 of the Convention shall bear the headings set forth in the Annex to this Protocol.

3) In the new Article 56, paragraph 1, the words "subject to paragraph 4" are inserted after the word "Convention"; in paragraph 4, the words "the Commission for the Examination of Applications" and "pursuant to Article 25 of this Convention" are replaced by the words "the Court for the Receipt of Applications" and "pursuant to Article 34," respectively. In the new Article 58, paragraph 4, the words "pursuant to Article 63" are replaced by the words "pursuant to Article 56."

4) The Additional Protocol to the Convention is amended as follows:

a) the articles shall bear the headings set forth in the Annex to this Protocol, and

b) in Article 4(3), the words "pursuant to Article 63" are replaced by the words "pursuant to Article 56."

5) Protocol No. 4 is amended as follows:

a) the articles shall bear the headings set forth in the Annex to this Protocol;

b) in Article 5, paragraph 3, the words "of Article 63" shall be replaced by the words "of Article 56"; the following new paragraph 5 shall be added:

“Any State which has made a declaration under paragraph 1 or 2 may, at any time thereafter, declare in respect of one or more of the territories specified in the declaration that it accepts the jurisdiction of the Court to receive complaints from individuals, non-governmental organizations, or groups of individuals under Article 34 of the Convention, in respect of Articles 1 to 4 of this Protocol as a whole or in respect of any of those articles.”;

c) Article 6, paragraph 2, is deleted.

6) Protocol No. 6 is amended as follows:

a) the articles shall bear the headings set out in the Annex to this Protocol, and

b) in Article 4, the words “under Article 64” shall be replaced by the words “under Article 57.”

7) Protocol No. 7 is amended as follows:

a) The articles shall bear the headings set forth in the annex to this Protocol;

b) in Article 6, paragraph 4, the words “of Article 63” shall be replaced by the words “of Article 56”; the following new paragraph 6 shall be added:

"Any State that has made a declaration under paragraph 1 or 2 may, at any time thereafter, declare in respect of one or more of the territories specified in the declaration that it accepts the jurisdiction of the Court to receive complaints from natural persons, non-governmental organizations, or groups of individuals under Article 34 of the Convention, for which Articles 1 to 5 of this Protocol apply.";

c) Article 7, paragraph 2, is deleted.

8) Protocol No. 9 is repealed.

Article 3

1) This Protocol shall be open for signature by the member States of the Council of Europe which have signed the Convention; they may express their consent to be bound by it,

a) by signing it without reservation as to ratification, acceptance, or approval, or

b) by signing it subject to ratification, acceptance, or approval and subsequently ratifying, accepting, or approving it.

2) The instruments of ratification, acceptance, or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 4

This Protocol shall enter into force on the first day of the month following the expiration of a period of one year after the date on which all Contracting Parties to the Convention have expressed their consent to be bound by the Protocol in accordance with Article 3. From the date on which all Contracting Parties to the Convention have expressed their consent to be bound by the Protocol, the new judges may be elected and all other measures necessary for the establishment of the new Court may be taken in accordance with the Protocol.

Art. 5

1) Notwithstanding paragraphs 3 and 4, the terms of office of the judges, the members of the Commission, the Registrar, and the Deputy Registrar shall end on the date of entry into force of this Protocol.

2) Complaints pending before the Commission that have not yet been declared admissible by the date of entry into force of this Protocol shall be examined by the Court in accordance with this Protocol.

3) Complaints that have been declared admissible by the date of entry into force of this Protocol shall continue to be examined by the members of the Commission for a period of one year. Complaints whose examination has not been completed by the Commission within that period shall be referred to the Court, which shall examine them as admissible complaints in accordance with this Protocol.

4) In the case of complaints on which the Commission has adopted a report after the entry into force of this Protocol pursuant to the former Article 31 of the Convention, the report shall be communicated to the parties, who shall not have the right to publish it. The case may be referred to the Court in accordance with the provisions in force prior to the entry into force of this Protocol. The Committee of the Grand Chamber shall determine whether the case shall be decided by one of the Chambers or by the Grand Chamber. If the case is decided by a Chamber, its decision shall be final. Cases not referred to the Court shall be dealt with by the Committee of Ministers in accordance with the former Article 32 of the Convention.

5) Cases pending before the Court which have not yet been decided by the date of entry into force of this Protocol shall be referred to the Grand Chamber of the Court; the Grand Chamber shall examine them in accordance with this Protocol.

6) Cases pending before the Committee of Ministers which have not yet been decided in accordance with the previous Article 32 of the Convention by the date of entry into force of this Protocol shall be concluded by the Committee of Ministers in accordance with that Article.

Art. 6

If a High Contracting Party has made a declaration by which it recognizes, pursuant to Articles 25 or 46 of the Convention, the High Contracting Party recognizes the competence of the Commission or the jurisdiction of the Court only in respect of matters arising out of or based on facts occurring after the date of such declaration, such limitation shall remain in force with respect to the jurisdiction of the Court under this Protocol.

Art. 7

The Secretary General of the Council of Europe shall notify the member States of the Council:

- a) any signature;
- b) any deposit of an instrument of ratification, acceptance, or approval;
- c) the date of entry into force of this Protocol or of any of its provisions in accordance with Article 4;
- d) any other act, notification, or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Strasbourg on 11 May 1994 in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to all member States of the Council of Europe.

XXVII. Protocol No. 13

to the Convention for the Protection of Human Rights and Fundamental Freedoms
concerning the complete abolition of the death penalty

Done at Vilnius on 3 May 2002 Approval by
the State Parliament: 24 October 2002

Entry into force for the Principality of Liechtenstein: July
1, 2003 The member states of the Council of Europe that sign this
Protocol,

Convinced that, in a democratic society, the right of every human being to life
constitutes a fundamental value and that the abolition of the death penalty is
essential for the protection of this right and for the full recognition of the inherent
dignity of all human beings;

desiring to strengthen the protection of the right to life guaranteed by the
Convention for the Protection of Human Rights and Fundamental Freedoms,
signed in Rome on 4 November 1950 (hereinafter referred to as “the Convention”);
Considering that Protocol No. 6 to the Convention on the Abolition of the Death
Penalty, signed in Strasbourg on April 28, 1983, does not exclude the death penalty
for acts committed in times of war or in the face of an imminent threat of war;

Determined to take the final step toward the complete abolition of the death penalty,
have agreed as follows:

Art. 1

Abolition of the Death Penalty

The death penalty is abolished. No one shall be sentenced to or executed by this
penalty.

Art. 2

Prohibition of Derogation

No derogation from this Protocol is permitted under Article 15 of the Convention.

Art. 3

Prohibition of Reservations

Reservations under Article 57 of the Convention to this Protocol are not
permitted. Article 4

Territorial Scope

1) Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, or approval, specify one or more territories to which this Protocol shall apply.

2) Any State may, at any time thereafter, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. The Protocol shall enter into force in respect of such territory on the first day of the month following the expiration of a period of three months after the date of receipt of the declaration by the Secretary General.

3) Any declaration made under paragraphs 1 and 2 may be withdrawn or amended in respect of any territory specified therein by means of a notification addressed to the Secretary-General. The withdrawal or amendment shall take effect on the first day of the month following a period of three months after the Secretary-General has received the notification.

Art. 5

Relationship to the Convention

The Contracting States shall consider Articles 1 through 4 of this Protocol as additional articles to the Convention; all provisions of the Convention shall apply accordingly.

Art. 6

Signature and Ratification

This Protocol shall be open for signature by the member States of the Council of Europe which have signed the Convention. It shall be subject to ratification, acceptance, or approval. A member State of the Council of Europe may ratify, accept, or approve this Protocol only if it simultaneously ratifies the Convention or has already ratified it at an earlier date. The instruments of ratification, , acceptance, or approval instruments shall be deposited with the Secretary General of the Council of Europe.

Art. 7 Entry

into Force

1) This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which ten member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with Article 6.

2) For each Member State that subsequently expresses its consent to be bound by this Protocol, it shall enter into force on the first day of the month following the expiration of a period of three months after the deposit of its instrument of ratification, acceptance, or approval.

Art. 8

Duties of the Depositary

The Secretary General of the Council of Europe shall notify all member States of the Council of Europe

- a) any signature;
- b) any deposit of an instrument of ratification, acceptance, or approval;
- c) any date of entry into force of this Protocol pursuant to Articles 4 and 7;
- d) any other act, notification, or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Vilnius on 3 May 2002 in the English and French languages, both texts being equally authentic, in a single original, which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to all member States of the Council of Europe.

XXVIII. Protocol No. 14

to the Convention for the Protection of Human Rights and Fundamental Freedoms,
amending the monitoring system of the Convention

Concluded in Strasbourg on 13 May 2004 Approval by
the Landtag: 17 June 20052

Partially applied provisionally since September 1, 2009

Entry into force for the Principality of Liechtenstein: June
1, 2010

Preamble

The member states of the Council of Europe, signing this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as the “Convention”)—

Having regard to Resolution No. 1 and the Declaration adopted at the European Ministerial Conference on Human Rights held in Rome on

3 and 4 November 2000;

having regard to the declarations adopted by the Committee of Ministers on November 8, 2001, November 7, 2002, and May 15, 2003, at its 109th, 111th, and 112th sessions;

Having regard to Opinion No. 251 (2004) of the Parliamentary Assembly of the Council of Europe of 28 April 2004;

Considering that there is an urgent need to supplement certain provisions of the Convention in order to preserve and improve the long-term effectiveness of the monitoring system, particularly in view of the steady increase in the workload of the European Court of Human Rights and the Committee of Ministers of the Council of Europe;

in particular, whereas it is necessary to ensure that the Court can continue to play its preeminent role in the protection of human rights in Europe—

have agreed as follows:

Art. 1

Article 22, paragraph 2, of the Convention is
repealed. Article 2

Article 23 of the Convention shall read as follows:

"Art. 23

Term of Office and Removal

- 1) Judges shall be elected for a term of nine years. They shall not be eligible for re-election.
- 2) The term of office of judges shall end upon reaching the age of 70.
- 3) Judges shall remain in office until their successors take office. However, they shall continue to hear cases with which they are already seized.
- 4) A judge may be removed from office only if the other judges decide by a two-thirds majority that he or she no longer meets the necessary requirements."

Art. 3

Article 24 of the Convention is repealed.

Article 4

Article 25 of the Convention becomes Article 24 and is replaced

by the following: "Article 24

Registry and Rapporteurs

- 1) The Court has a Registry, whose functions and organization are laid down in the Rules of Procedure of the Court.
- 2) When the Court sits as a single judge, it is assisted by rapporteurs who perform their duties under the supervision of the President of the Court. They are members of the Registry of the Court."

Art. 5

Article 26 of the Convention shall become Article 25 ("Plenary Session") and its text shall be amended as follows:

1. At the end of subparagraph (d), the word "and" is replaced by a semicolon.
2. At the end of subparagraph (e), the period is replaced by a semicolon.
3. The following new subparagraph f is added:

"f) submits motions pursuant to Article

26(2)." Article 6

Article 27 of the Convention shall become Article 26 and shall

read as follows: "Article 26

Single-judge panels, panels of three judges, chambers, and the Grand Chamber

- 1) To examine the cases brought before it, the Court sits in single-judge composition, in panels of three judges, in chambers of seven judges, and in a Grand Chamber of seventeen judges. The chambers of the Court form the panels for a specific period.

- 2) At the request of the Plenary Session of the Court, the number of judges per Chamber may be reduced to five for a specific period by a unanimous decision of the Committee of Ministers.
- 3) A judge sitting as a single judge shall not examine any application against the High Contracting Party for which he was elected.
- 4) The Chamber and the Grand Chamber shall include ex officio the judge elected for a High Contracting Party that is a party to the case. If no such judge is available or if he or she is unable to attend the hearings, a person shall participate in the hearings in the capacity of a judge, selected by the President of the Court from a list submitted to him or her in advance by the High Contracting Party concerned.
- 5) The Grand Chamber shall also include the President of the Court, the Vice-Presidents, the Presidents of the Chambers, and other judges selected in accordance with the Rules of Procedure of the Court. If a case is referred to the Grand Chamber pursuant to Article 43, judges of the Chamber that delivered the judgment may not sit on the Grand Chamber; this does not apply to the President of the Chamber and the judge who sat in the Chamber on behalf of the High Contracting Party involved as a party."

Art. 7

Following the new Article 26, the following new Article 27 is inserted into the Convention: "Article 27

Powers of the Single Judge

- 1) A single judge may declare an appeal filed under Article 34 inadmissible or remove it from the register if such a decision can be made without further examination.
- 2) The decision shall be final.
- 3) If the single judge does not declare an appeal inadmissible and does not strike it from the Court's register, he or she shall refer it to a committee or a chamber for further examination."

Art. 8

Article 28 of the Convention shall be replaced by the following: "Article 28

Powers of the Committees

1) A committee hearing an appeal filed under Article 34 may, by unanimous decision:

a) declare it inadmissible or strike it from the register, if such a decision can be made without further examination; or

b) declare it admissible and at the same time rule on its merits, provided that the question of interpretation or application of this Convention or its Protocols underlying the case is the subject of established case law of the Court.

2) The decisions and judgments referred to in paragraph 1 shall be final.

3) If the judge elected for the High Contracting Party involved as a party is not a member of the Committee, the latter may, at any time during the proceedings, invite him to take the seat of a member of the Committee; in doing so, the Committee shall take into account all relevant circumstances, including the question of whether that Contracting Party has objected to the application of the procedure under paragraph 1(b)."

Art. 9

Article 29 of the Convention is amended as follows:

1. Paragraph 1 is amended to read as follows: "If no decision is rendered under Article 27 or 28, nor any judgment under Article 28, a Chamber shall rule on the admissibility and merits of appeals filed under Article 34. The decision on admissibility may be rendered separately."

2. The following new sentence is added at the end of paragraph 2: "The decision on admissibility shall be issued separately, unless the Court decides otherwise in exceptional cases."

3. Paragraph 3 is repealed.

Art. 10

Article 31 of the Convention is amended as follows:

1. At the end of subparagraph (a), the word "and" is deleted.

2. Subparagraph (b) becomes subparagraph (c), and the following new subparagraph (b) is inserted: "b) shall decide on matters referred to the Court by the Committee of Ministers pursuant to Article 46, paragraph 4, and".

Art. 11

Article 32 of the Convention shall be amended as follows:

At the end of paragraph 1, a comma and the number 46 shall be inserted after the number 34. Art. 12

Article 35, paragraph 3, of the Convention shall be replaced by the following:

"3) The Court shall declare an individual application under Article 34 inadmissible:

- a) if it considers it to be incompatible with this Convention or the Protocols thereto, manifestly ill-founded, or an abuse of the right of application; or
- b) "if it considers that the applicant has not suffered any substantial disadvantage, unless respect for human rights, as recognized in this Convention and the Protocols thereto, requires an examination of the merits of the application, and provided that this does not result in the rejection of a case that has not yet been duly examined by a domestic court."

Art. 13

The following new paragraph 3 shall be added at the end of Article 36:

"3) In all cases pending before a Chamber or the Grand Chamber, the Council of Europe Commissioner for Human Rights may submit written observations and participate in the oral proceedings."

Art. 14

Article 38 of the Convention shall be replaced by the following:

"Art. 38

Examination of the case

"The Court shall examine the case with the representatives of the parties and, if necessary, conduct an investigation; the High Contracting Parties concerned shall provide all facilities necessary for the effective conduct of the investigation."

Art. 15

Article 39 of the Convention shall be replaced by the following:

"Art. 39

Amicable Settlement

- 1) The Court may, at any time during the proceedings, make itself available to the parties with a view to reaching an amicable settlement based on respect for human rights as recognized in this Convention and its Protocols.
- 2) The proceedings under paragraph 1 shall be confidential.

MRK14

3) In the event of an amicable settlement, the Court shall strike the case from its list by means of a decision limited to a brief statement of the facts and the solution reached.

4) This decision shall be forwarded to the Committee of Ministers, which shall monitor the implementation of the amicable settlement as set forth in the decision."

Art. 16

Article 46 of the Convention shall be replaced by the following:

"Art. 46

Binding Force and Enforcement of Judgments

1) The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.

2) The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.

3) If, in the opinion of the Committee of Ministers, the supervision of the execution of a final judgment is impeded by a question concerning the interpretation of that judgment, the Committee of Ministers may refer the matter to the Court for a ruling on that question of interpretation. The decision of the Committee of Ministers to refer the matter to the Court shall require a two-thirds majority of the votes of the members entitled to participate in the meetings of the Committee.

4) If, in the opinion of the Committee of Ministers, a High Contracting Party refuses to comply with a final judgment of the Court in a case to which it is a party, the Committee of Ministers may, after having given notice to the Party concerned, by a resolution adopted by a two-thirds majority of the votes of the members entitled to participate in the meetings of the Committee, refer the matter to the Court to determine whether that Party has complied with its obligation under paragraph 1.

5) If the Court finds a violation of paragraph 1, it shall refer the case to the Committee of Ministers for consideration of the measures to be taken. If the Court finds that there has been no violation of paragraph 1, it shall refer the case to the Committee of Ministers, which shall decide to discontinue its examination."

Art. 17

Article 59 of the Convention shall be amended as follows:

1. The following new paragraph 2 shall be inserted:

"2) The European Union may accede to this Convention."

2. Paragraphs 2, 3, and 4 shall become paragraphs 3, 4, and 5. Final and Transitional Provisions

Art. 18

1) This Protocol shall be open for signature by the member States of the Council of Europe which have signed the Convention; they may express their consent to be bound by:

- a) by signing it without reservation as to ratification, acceptance, or approval; or
- b) by signing it subject to ratification, acceptance, or approval, and subsequently ratifying, accepting, or approving it.

2) The instruments of ratification, acceptance, or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 19

This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol in accordance with Article 18.

Art. 20

1) Upon the entry into force of this Protocol, its provisions shall apply to all applications pending before the Court and to all judgments whose execution is supervised by the Committee of Ministers.

2) The new admissibility requirement introduced by Article 12 of this Protocol into Article 35(3)(b) of the Convention shall not apply to applications declared admissible prior to the entry into force of this Protocol. During the first two years following the entry into force of this Protocol, the new admissibility requirement may be applied only by the Chambers and the Grand Chamber of the Court.

Art. 21

Upon the entry into force of this Protocol, the term of office of those judges whose first term has not yet expired at that time shall be automatically extended to a total of nine years. The remaining judges shall remain in office for the remainder of their terms, which shall be automatically extended by two years.

Art. 22

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe:

- a) any signature;
- b) any deposit of an instrument of ratification, acceptance, or approval;
- c) the date of entry into force of this Protocol in accordance with Article 19; and
- d) any other act, notification, or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Strasbourg on 13 May 2004 in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to all member States of the Council of Europe.

XXIX. Agreement on the European Economic Area

of May 2, 1992

Signed in Porto on May 2, 1992 Approval by the

Landtag: 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 establishment of a Europe founded 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, which are based on proximity, traditional shared values, and European identity,

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

having regard to the objective of establishing a dynamic and homogeneous European Economic Area based on common rules and a level playing field, in which adequate means for their enforcement—including at the judicial level—are provided for, and which is realized on the basis of equality and reciprocity as well as an overall balance of benefits, rights, and obligations of the Contracting Parties,

determined to ensure the fullest possible realization of the free movement of persons, goods, services, and capital throughout the entire European Economic Area, as well as enhanced and expanded cooperation in related and horizontal policies,

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

wishing to contribute to strengthening cooperation between the members of the European Parliament and the parliaments of the EFTA States, as well as

between the social partners in the European Community and the EFTA States,
convinced of the important role that individuals in the European Economic Area will play through the exercise of the rights conferred upon them by this Agreement and through the judicial enforcement of those rights,

determined to preserve and protect the environment and improve its quality, and to ensure the prudent and rational use of natural resources, based in particular on the principle of sustainable development and the principles of precaution and prevention,

Determined to ensure a high level of protection for health, safety, and the environment in the further development of regulations,

Recognizing the importance of developing the social dimension, including gender equality, within the European Economic Area, and desiring to ensure economic and social progress and to promote the conditions for full employment, a higher standard of living, and improved working conditions within the European Economic Area,

Determined, in the pursuit of a high level of consumer protection, to promote the interests of consumers and strengthen their position in the market,

resolved to jointly strengthen the scientific and technological base of European industry and to promote its competitiveness at the international level,

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

having regard to the objective of the Contracting Parties, while fully respecting the independence of the courts, to achieve and maintain a uniform interpretation and application of this Agreement and of the provisions of Community law, the substance of which is incorporated into this Agreement, and to ensure equal treatment of individuals and market participants with regard to the four freedoms and the conditions of competition,

In view of the fact that, subject to the provisions of this Agreement and the limits set by international law, this Agreement does not

restrict the autonomy of decision-making or the authority to conclude treaties of the Contracting 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 steady and balanced strengthening of trade and economic relations between the Contracting Parties under conditions of fair competition and compliance with the same rules, in order to create a homogeneous European Economic Area, hereinafter referred to as the EEA.

2) To achieve the objectives set forth in paragraph 1, the Association shall, in accordance with the provisions of this Agreement, encompass:

- a) the free movement of goods,
- b) the free movement of persons,
- 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 relevant rules in the same manner for all, as well as
- 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, the following terms shall have the following meanings:

- a) "Agreement": the main Agreement, its protocols and annexes, and the legal acts referred to therein;
- b) "EFTA States": Iceland, the Principality of Liechtenstein, and the Kingdom of Norway;
- 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 specific meaning of this term shall be determined in each case by the relevant provisions of this Agreement and by the respective competences of the Community and the Member States as set forth in the Treaty establishing the European Economic Community.

d) "Act of Accession of April 16, 2003": the Act, adopted in Athens on April 16, 2003, 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 establishing the European Union.

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

f) The term "Act of Accession of December 9, 2011" refers to 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 December 9, 2011."

Art. 3

The Contracting Parties shall take all appropriate measures, whether general or specific, to fulfill the obligations arising from this Agreement.

They shall refrain from any measures that could jeopardize the achievement of the objectives of this Agreement.

They shall also promote cooperation within the framework of this Agreement. Art. 4

Without prejudice to specific provisions of this Agreement, any discrimination on grounds of nationality is prohibited within its scope of application. Art. 5

The Contracting Parties may, in accordance with Article 92(2) or Article 89(2), raise a matter at any time in the EEA Joint Committee or in the EEA Council.

Art. 6

Without prejudice to future developments in case law, the provisions of this Agreement, insofar as they correspond in substance to the relevant provisions of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community, as well as to the acts adopted pursuant to those two Treaties,

shall be interpreted, in their implementation and application, in accordance with the relevant rulings 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 in the Annexes to this Agreement or in the decisions of the EEA Joint Committee, or contained therein, shall be binding on the Contracting Parties and shall form part of national law or be transposed into national law, as follows:

- a) An act corresponding to an EEC regulation shall be incorporated as such into the domestic law of the Contracting Parties.
- b) An act corresponding to an EEC directive leaves it to the authorities of the Contracting Parties to choose the form and means of 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 realized in accordance with this Agreement.
- 2) Unless otherwise specified, Articles 10 through 15, 19, 20, 25, 26, and 27 apply only to originating goods of the Contracting Parties.
- 3) Unless otherwise specified, the provisions of this Agreement apply only to
 - a) goods falling under Chapters 25 through 97 of the Harmonized System for the Description and Coding of Goods, with the exception of the goods listed in Protocol 2;
 - b) goods listed in Protocol 3, subject to the special provisions set forth therein.

Art. 9

- 1) The rules of origin are set forth in Protocol 4. They shall apply without prejudice to the international obligations that the Contracting Parties have entered into or may enter into under the General Agreement on Tariffs and Trade.

2) With a view to building on the results achieved under this Agreement, the Contracting Parties shall continue their efforts to further improve and simplify the rules of origin in all respects and to deepen cooperation on customs matters.

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

Art. 10

Import and export duties and charges having equivalent effect between the Contracting Parties are prohibited. Without prejudice to the provisions of Protocol 5, this prohibition also applies to fiscal duties.

Art. 11

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

Art. 12

Quantitative export restrictions 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 transit that are justified on grounds of public morality, public order, and public security; the protection of human, animal, or plant health and life; the protection of national cultural property of artistic, historical, or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

Art. 14

The Contracting Parties shall not impose on goods from other Contracting Parties, either directly or indirectly, higher internal charges of any kind than those borne, directly or indirectly, by like domestic goods.

The Contracting Parties shall not impose on goods of the other Contracting Parties any internal charges that are likely to indirectly protect other products. Art. 15

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

Art. 16

1) The Contracting Parties shall ensure that their state trade monopolies are restructured in such a way as to eliminate any discrimination in the conditions of supply and sale between nationals of the EC Member States and the EFTA States.

2) This Article applies to all entities through which the competent authorities of the Contracting Parties directly or indirectly control, direct, or significantly influence, in law or in fact, imports or exports between the Contracting Parties. 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 arrangements concerning veterinary matters and plant health are set forth in Annex I.

Art. 18

Without prejudice to the specific provisions governing trade in agricultural products, the Contracting Parties shall ensure that the provisions of Article 17 and Article 23(a) and (b), insofar as they apply to goods other than those referred to in Article 8(3), are not impeded by other technical barriers to trade. Article 13 shall apply.

Article 19

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

2) The Contracting Parties undertake to continue their efforts toward the gradual liberalization of agricultural trade.

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

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

Art. 20

The provisions and arrangements concerning fish and other marine products are set forth in Protocol 9.

Chapter 3

Cooperation on Customs Matters and Trade Facilitation

Art. 21

1) To facilitate trade between the Contracting Parties, they shall simplify border controls and formalities. The relevant provisions are set forth in Protocol 10.

2) The Contracting Parties shall provide mutual administrative assistance in customs matters to ensure the proper application of customs regulations. The relevant provisions are set forth in Protocol 11.

3) The Contracting Parties shall strengthen and expand cooperation to simplify procedures in the movement of goods, in particular within the framework of Community programs, projects, and actions for trade facilitation in accordance with the rules of Part VI.

4) This Article applies to all goods without prejudice to Article

8(3). Article 22

A Contracting Party intending to reduce or suspend the application of its customs duties or charges having equivalent effect actually applied to third countries benefiting from the most-favored-nation clause shall, to the extent possible, notify the EEA Joint Committee of such reduction or suspension no later than 30 days before its entry into force. It shall take note of any representations made by the other Contracting Parties regarding distortions that might result from such a reduction or suspension.

Chapter 4

Other Rules Governing the Free Movement of Goods

Art. 23

Special provisions and specific 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).

Unless otherwise specified, they apply to all goods. Art. 24

Special provisions and special arrangements for the energy sector are contained in Annex IV.

Art. 25

If compliance with Articles 10 and 12

- a) result in a re-export to a third country against which the exporting Contracting Party maintains quantitative export restrictions, export duties, or measures or charges having equivalent effect on the goods in question, or
- b) to a serious shortage or the risk of a serious shortage of a product essential to the exporting Contracting Party, and if the circumstances described result or are likely to result in significant difficulties for the exporting Contracting Party, that Contracting Party may take appropriate measures in accordance with the procedure set forth in Article 113. Article 26

Unless otherwise provided in this Agreement, anti-dumping measures, countervailing duties, and measures to protect against unfair trade practices by third countries shall not be applied in relations between the Contracting Parties.

Chapter 5

Coal and Steel Products

Art. 27

The provisions and arrangements concerning coal and steel products are set forth in Protocols 14 and 25.

Part III

Free movement of persons, services, and capital

Chapter 1

Employees and Self-Employed Persons

Art. 28

- 1) Freedom of movement for workers shall be established between the EC Member States and the EFTA States.
- 2) It shall entail the abolition of any discrimination based on nationality between workers of the EC Member States and the EFTA States as regards employment, remuneration, and other working conditions.
- 3) It grants workers—subject to restrictions justified on grounds of public order, public security, and public health—the right
 - a) apply for jobs that are actually available;
 - b) to move freely within the territory of the EC Member States and the EFTA States for this purpose;
 - c) to reside in the territory of an EC Member State or an EFTA State in order to take up employment there in accordance with the laws and administrative regulations applicable to workers of that State;
 - d) to remain in the territory of an EC Member State or an EFTA State after the 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 set out in Annex V.

Art. 29

To ensure the free movement of workers and self-employed persons, the Contracting Parties shall, in the field of social security in accordance with Annex VI, ensure in particular the following for workers, self-employed persons, and their family members:

- a) the aggregation of all periods taken into account under the various national laws for the acquisition and maintenance of entitlement to benefits, as well as for the calculation of benefits;
- b) the 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 employment by employed and self-employed persons, the Contracting Parties shall take the necessary measures in accordance with Annex VII for the mutual recognition of diplomas, examination certificates, and other qualifications, as well as for the coordination of the legal and administrative provisions of the Contracting Parties concerning the taking up and pursuit of gainful employment by employees and self-employed persons.

Chapter 2 **Right of**

Establishment Art. 31

1) Within the framework of this Agreement, the freedom of establishment of nationals of an EC Member State or an EFTA State in the territory of one of these States shall not be 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 resident in the territory of one of these States.

Subject to Chapter 4, the freedom of establishment shall include the taking up and pursuit of self-employed activities, as well as the establishment and management of enterprises, in particular companies within the meaning of Article 34(2), in accordance with the provisions of the host State applicable to its own nationals.

2) The specific provisions on the right of establishment are set forth in Annexes VIII through XI.

Art. 32

This Chapter shall not apply, in the territory of a Contracting Party, to activities which, in that territory, are connected, on a permanent or temporary basis, with the exercise of official authority.

Art. 33

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

Art. 34

For the purposes of this Chapter, companies established in accordance with the laws of an EC Member State or an EFTA State that have their registered office, central administration, or principal place of business in

territory of the Contracting Parties, shall be treated as natural persons who are nationals of EC Member States or EFTA States.

Companies shall include companies under civil and commercial law, including cooperatives, and other legal entities under public and private law, with the exception of those that do not pursue a profit-making purpose.

Art. 35

Article 30 applies to the subject matter covered in 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 shall not be subject to any restrictions for nationals of EC Member States and EFTA States who are established in an EC Member State or an EFTA State other than that of the recipient of the services.

2) The specific provisions on the free movement of services are set forth in Annexes IX through XI.

Art. 37

For the purposes of this Agreement, services are activities 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.

The following, in particular, shall be considered services:

- a) commercial activities,
- b) commercial activities,
- c) craft activities,
- d) professional activities.

Notwithstanding Chapter 2, the service provider may, for the purpose of providing services, temporarily carry out his or her activities in the State where the services are provided, subject to the conditions that State imposes on its own nationals.

Art. 38

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

Art. 39

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

Chapter 4

Movement of

Capital Art. 40

Within the framework of this Agreement, the movement of capital by persons resident in the EC Member States or the EFTA States shall be subject to no restrictions and no discrimination on grounds of the nationality or place of residence of the parties or the place of investment. The implementing provisions for this Article are set out in Annex XII.

Art. 41

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

Art. 42

1) In applying their domestic regulations governing the capital market and the banking sector to capital movements liberalized under this Agreement, the Contracting Parties shall refrain from discrimination.

2) Bonds intended 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 thereto.

Art. 43

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

2) If capital movements result in 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 a Contracting Party make a change in the exchange rate that seriously distorts conditions of competition, the other Contracting Parties may, for a strictly limited period, take the necessary measures to counteract the effects of such action.

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

Art. 44

For the implementation of Article 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 referred to in Article 43 shall be communicated to the EEA Joint Committee.

2) All measures shall be subject to prior consultation and exchange of information within the EEA Joint Committee.

3) In cases under Article 43(2), however, a Contracting Party may, for reasons of confidentiality and urgency, take the measures deemed necessary without prior consultation or exchange of information.

4) If a balance-of-payments crisis within the meaning of Article 43(4) arises suddenly and the procedures referred to in paragraph 2 cannot be applied, the Contracting Party concerned may take the necessary protective measures as a precautionary measure. Such measures shall cause only a minimum disruption to the functioning of this Agreement and shall not exceed what is strictly necessary to remedy the sudden difficulties that have arisen.

5) If measures are taken pursuant to paragraphs 3 and 4, they must be notified no later than the date on which they take effect; the exchange of information, consultations, and notifications pursuant to paragraph 1 shall take place thereafter as soon as possible.

Chapter 5

Economic and Monetary Policy Cooperation

Art. 46

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

Chapter

6

Transpo

rt Art. 47

- 1) Articles 48 through 52 apply to transport by rail, road, and inland waterway.
- 2) The specific provisions for all modes of transport are set forth in Annex XIII.

Art. 48

1) The provisions of an EC Member State or an EFTA State governing rail, road, and inland waterway transport that are not covered by Annex XIII shall not, in their direct or indirect effects, be less favorable to transport operators from other States than to domestic transport operators.

2) A Contracting Party that deviates from the principle set forth in paragraph 1 shall notify the EEA Joint Committee thereof. The other Contracting Parties that do not accept this deviation may take appropriate countermeasures. **Art. 49**

Aid that meets the requirements of transport coordination or the compensation for certain services related to the concept of public service is compatible with this Agreement.

Art. 50

1) There shall be no discrimination in transport within the territory of the Contracting Parties in the form of a transport undertaking applying different freight rates and conditions of carriage for the same goods on the same transport routes depending on 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 falling under this Article and issue the necessary decisions in accordance with its rules of procedure.

Art. 51

1) In transport within the territory of the Contracting Parties, freight rates and conditions of carriage imposed by a Contracting Party that in any way serve to support or protect one or more specific enterprises or industries shall be prohibited, unless the competent body under Article 50(2) grants authorization therefor.

2) The competent body shall examine, on its own initiative or at the request of an EC Member State or an EFTA State, the freight charges and conditions of carriage referred to in paragraph 1; in doing so, it shall take into account, in particular, the requirements of an appropriate regional policy, the needs of underdeveloped regions, and the problems of regions severely affected by political circumstances, as well as the effects of such freight rates and conditions of carriage on competition between modes of transport.

The competent body shall issue the necessary decisions in accordance with its rules of procedure.

3) The prohibition referred to in paragraph 1 does not apply to competitive rates. Art. 52

The charges or fees that a carrier charges in addition to freight charges at the border crossing shall not exceed a reasonable amount, taking into account the costs actually incurred thereby. The Contracting Parties shall endeavor to reduce these costs gradually. Part IV

Competition and Other Common Rules

Chapter 1

Regulations for Enterprises

Art. 53

1) Any agreements between undertakings, decisions by associations of undertakings, and concerted practices that are incompatible with this Agreement and prohibited are those which are likely to affect trade between the Contracting Parties

and which have as their object or effect the prevention, restriction, or distortion of competition within the territorial scope of this Agreement, in particular

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

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

c) the allocation of markets or sources of supply;

d) the application of different terms and conditions to equivalent transactions with trading partners, thereby placing them at a competitive disadvantage;

e) making the conclusion of contracts subject to the condition that the contracting parties accept additional obligations that are not objectively related to the subject matter of the contract or in accordance with commercial practice.

2) Agreements or decisions prohibited under this Article are void.

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

- agreements or groups of agreements between undertakings,

- resolutions or groups of resolutions by associations of undertakings,

- concerted practices or groups of such practices,

which, with appropriate participation of consumers in the resulting benefits, contribute to improving the production or distribution of goods or to promoting technical or economic progress, without imposing on the participating undertakings

a) restrictions that are not indispensable to the attainment of these objectives, or

b) enable them to eliminate competition in respect of a substantial part of the goods in question.

Art. 54

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

Such abuse may consist, in particular, of the following:

- a) the direct or indirect imposition of unreasonable purchase or selling prices or other terms of business;
- b) the restriction of production, sales, or technical development to the detriment of consumers;
- c) the application of different conditions to trading partners for equivalent services, thereby placing them at a competitive disadvantage;
- d) the imposition of a condition on the conclusion of contracts requiring the contracting parties to accept additional services that are not objectively related to the subject matter of the contract nor in accordance with commercial practice.

Art. 55

1) Without prejudice to the provisions of Protocol 21 and Annex XIV implementing 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 set forth in Articles 53 and 54.

The surveillance authority competent pursuant to Article 56 shall, on its own initiative, at the request of a State within its respective jurisdiction, or at the request of the other surveillance authority, investigate cases in which infringements of these principles are suspected. The competent surveillance authority shall conduct these investigations in cooperation with the competent national authorities in the relevant jurisdiction and the other surveillance authority, which shall provide administrative assistance in accordance with its rules of procedure.

If it finds a violation, it shall propose appropriate measures to remedy it.

2) If the violation is not remedied, the competent supervisory body shall issue a reasoned decision finding that such a violation exists.

The competent supervisory body 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 supervisory body to authorize the States within the respective jurisdiction to take such measures.

Art. 56

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

a) Individual cases that affect only trade between EFTA States shall be decided by the EFTA Surveillance Authority.

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

c) In all other cases, as well as in cases under subparagraph (b) that affect trade between EC Member States, the EC Commission shall decide, taking into account the provisions of Article 58, Protocol 21, Protocol 23, and Annex XIV.

2) Individual cases falling within the scope of Article 54 shall be decided by the Surveillance Authority within whose jurisdiction the dominant position is established. If the dominant position exists within the jurisdictions of both Surveillance Authorities, paragraphs 1(b) and (c) shall apply.

3) Individual cases falling within the scope of paragraph 1(c) that 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 "undertaking" and "turnover" within the meaning of this Article are defined in Protocol 22.

Art. 57

1) Mergers subject to the review provided for in paragraph 2 that create or strengthen a dominant position, thereby significantly impeding effective competition within the territorial scope of this Agreement or in a substantial part thereof, shall be declared incompatible with this Agreement.

2) Control of mergers within the meaning of paragraph 1 shall be exercised by:

a) the EC Commission in cases falling under Regulation (EEC) No. 4064/89, in accordance with that Regulation and Protocols 21 and 24, as well as

Annex XIV to this Agreement. Subject to review by the Court of Justice of the European Communities, the EC Commission shall have sole decision-making authority in such cases;

b) the EFTA Surveillance Authority in cases not referred to in subparagraph (a), provided that the relevant thresholds set out in Annex XIV are reached within 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 authorities of the Contracting Parties shall cooperate in accordance with Protocols 23 and 24 to develop and maintain a uniform system of competition supervision throughout the European Economic Area and to promote the uniform implementation, application, and interpretation of the relevant provisions of this Agreement.

Art. 59

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

2) For undertakings entrusted with the provision of services of general economic interest or having the character of a financial monopoly, the provisions of this Agreement, in particular the competition rules, shall apply insofar as the application of these provisions does not legally or in fact prevent the fulfillment of the specific task entrusted to them. The development of trade must not be affected to an extent contrary to the interests of the Contracting Parties.

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

Art. 60

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

Chapter 2

State Aid

Article 61

1) Unless 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 favoring certain undertakings or the production of certain goods shall, insofar as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement.

2) The following are compatible with the functioning of this Agreement:

- a) aid of a social character granted to individual consumers, provided that it is granted without discrimination on the basis of the origin of the goods;
- b) aid to make good the damage caused by natural disasters or other exceptional occurrences;
- c) aid for the economy of certain areas of the Federal Republic of Germany affected by the division of Germany, to the extent that such aid is necessary to offset the economic disadvantages caused by the division.

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

- a) Aid to promote the economic development of regions where the standard of living is abnormally low or where there is serious underemployment;
- b) Aid to promote important projects 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 sectors or regions, provided that it does not adversely affect trading conditions to an extent contrary to the common interest;
- d) other types of aid determined by the EEA Joint Committee in accordance with Part VII.

Art. 62

1) All existing aid schemes within the territory of the Contracting Parties, as well as the planned granting or modification of State aid, shall be continuously reviewed for their compatibility with Art. 61. The authority responsible for this review is

- a) in the case of EC Member States, the EC Commission pursuant to Article 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 establishing an EFTA Surveillance Authority entrusted with the tasks and powers set out in Protocol 26.

2) The EC Commission and the EFTA Surveillance Authority shall cooperate in accordance with Protocol 27 to ensure uniform supervision of state aid throughout the territorial scope of this Agreement.

Art. 63

The specific provisions on state aid are set out in Annex XV.

Art. 64

1) If one of the surveillance authorities considers that the implementation of Articles 61 and 62 of this Agreement and of Article 5 of Protocol 14 by the other surveillance authority is not consistent with the maintenance of equal conditions of competition 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 amicable solution is found by the end of this two-week period, the competent authority of the Contracting Party concerned may immediately take appropriate provisional measures to counter the resulting distortion of competition.

Thereafter, consultations shall take place within the EEA Joint Committee to find a solution acceptable to all parties.

If the EEA Joint Committee is unable to find such a solution within three months, and if the conduct in question results in, or threatens to result in, a distortion of competition that affects trade between the Contracting Parties, the provisional measures may be replaced by definitive measures that are strictly necessary to offset the effects of the distortion. Priority shall be given to measures that least disrupt 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 arrangements regarding public procurement are set out in Annex XVI and apply, unless otherwise specified, to all goods and the services listed therein.

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

Part V

Horizontal provisions relating to the four freedoms

Chapter 1

Social Policy

Art. 66

The Contracting Parties agree on the need to work toward 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. To contribute to the achievement of this objective, minimum standards shall be applied, which are to be implemented progressively, taking into account the existing conditions and technical regulations of the individual Contracting Parties. Such minimum standards shall not prevent the individual Contracting Parties from maintaining or adopting measures to enhance the protection of working conditions that are compatible with this Agreement.

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

Art. 68

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

Art. 69

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

For the purposes of this Article, “remuneration” means the customary basic or minimum wages and salaries, as well as all other payments that the employer makes to the employee, directly or indirectly, in cash or in kind, on the basis of the employment relationship.

Equality of pay without discrimination on the basis of sex means:

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

b) that for work paid by the hour, the pay is the same for the same job.

2) The specific implementing provisions for paragraph 1 are contained in Annex XVIII.

Art. 70

The Contracting Parties shall promote the principle of equal treatment of men and women through the implementation of the provisions contained in Annex XVIII.

Art. 71

The Contracting Parties shall endeavor to promote dialogue between the social partners at the European level.

Chapter 2 **Consumer**

Protection Art. 72

The provisions on consumer protection are set forth in Annex XIX. Chapter 3

Environment

Art. 73

1) The environmental policy of the Contracting Parties aims to

a) preserve and protect the environment and improve its quality;

b) to contribute to the protection of human health;

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

2) The activities of the Contracting Parties in the field of the environment shall be guided by the principle of preventing environmental damage and, where possible, combating it at its

source, as well as the polluter-pays principle. Environmental protection requirements are an integral part of the Contracting Parties' other policies.

Art. 74

The specific provisions regarding the protective measures under Art. 73 are contained in Annex XX.

Art. 75

The protective measures under Art. 74 shall not prevent individual Contracting Parties from maintaining or adopting stricter protective measures that are compatible 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 common programs and procedures, in which cooperation between the competent administrative levels in the field of statistics is organized and due regard is given to data protection.

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

4) The specific provisions on the organization of cooperation in the field of statistics are set out in Protocol 30.

Chapter 5

Company Law

Art. 77

The specific provisions on company law are set out in Annex XXII.

Part VI

Cooperation outside the Four Freedoms

Art. 78

The Contracting Parties shall strengthen and expand their cooperation within the framework of Community actions in the fields of

- research and technological development,
- information services,

- environment,
- education, training, and youth,
- social policy,
- Consumer protection,
- Small and Medium-Sized Enterprises,
- Tourism,
- the audiovisual sector, and
- civil protection,

insofar as these areas are not covered by other parts of this Agreement. Art.

79

1) The Contracting Parties shall intensify their dialogue in any appropriate manner, in particular in accordance with the procedures set out in Part VII, in order to identify the areas and fields of work in which closer cooperation could contribute to the achievement of their common objectives as set out in Article 78.

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

3) Part VII shall apply *mutatis mutandis* to this Part, insofar as this Part or Protocol 31 expressly so provides.

Art. 80

Cooperation under Article 78 shall generally take the following form:

- Participation of the EFTA States in Community framework programs, specific programs, projects, or other actions;
- Identifying joint activities in specific areas; this includes consulting or coordinating activities, consolidating existing activities, and identifying joint *ad hoc* activities;
- Exchange or provision of information on a formal and informal basis;
- Joint efforts to promote certain activities throughout the entire territory of the Contracting Parties;
- where appropriate, parallel legislation of the same or similar content;

- Coordination of efforts and activities through or within the framework of international organizations, as well as cooperation with third countries, to the extent that this is in the mutual interest.

Art. 81

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

- a) The EFTA States shall have access to all parts of a program.
- b) In determining the status of the EFTA States in the committees assisting the EC Commission in the implementation or development of Community activities to which the EFTA States make financial contributions by virtue of their participation, full account shall be taken of such contributions.
- c) Community decisions that do not affect the general budget of the Community and that 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 Article 79(3). The conditions for continued participation in the measures concerned may be reviewed by the EEA Joint Committee in accordance with Article 86.
- d) In the preparation of projects, institutions, enterprises, organizations, and nationals of the EFTA States shall have the same rights and obligations under the Community's programs and other actions as institutions, enterprises, organizations, and nationals of the Member States of the Community. The same shall apply *mutatis mutandis*, within the framework of the respective actions, to participants in exchanges between EC Member States and EFTA States.
- e) The EFTA States, their institutions, enterprises, organizations, and nationals shall have the same rights and obligations as the Member States of the Community, their institutions, enterprises, organizations, and nationals with regard to the dissemination, evaluation, and exploitation of results.
- f) The Contracting Parties undertake, in accordance with their respective rules and regulations, to facilitate the mobility of participants in the programs and other actions to the extent necessary.

Art. 82

1) Where the cooperation provided for in this Part involves a financial contribution by the EFTA States, such contribution shall be structured as follows, depending on the case:

a) The contribution of the EFTA States, based on their participation in Community measures, is calculated in proportion

- to commitment appropriations and

- to the payment appropriations

which are annually estimated for the Community in the respective budget lines for the relevant measures in the general budget of the Community. The proportionality factor determining the level of the EFTA States' contribution is the sum of the figures reflecting the respective ratio between the gross domestic product at market prices of each individual 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 hand. This factor is calculated for each financial year on the basis of the most recent statistics.

The contribution of the EFTA States shall be made available, in respect of both commitment appropriations and payment appropriations, in addition to the amounts entered for the Community in the relevant item for the measures concerned in the general budget.

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

Neither obligations entered into by the Community prior to the entry into force of the EFTA States' participation in the measures concerned under this Agreement, nor payments made in this regard, shall give rise to any obligation on the part of the EFTA States to make contributions.

b) The financial contribution of the EFTA States arising from their participation in specific projects or other measures shall be based on the principle that each Contracting Party shall bear its own costs and make an appropriate contribution to the Community's overheads, as determined by the EEA Joint Committee.

c) The EEA Joint Committee shall take the necessary decisions regarding the Contracting Parties' contributions to the costs of the measure in question.

2) The implementing provisions for this Article are set out in detail in Protocol 32.

Art. 83

Subject to the confidentiality requirements laid down by the EEA Joint Committee, the EFTA States shall, in the event of cooperation in the form of an exchange of information between authorities, have the same rights and obligations regarding information as the EC Member States. Art. 84

The provisions on cooperation in specific areas are set out in Protocol 31.

Art. 85

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

Art. 86

The EEA Joint Committee shall, in accordance with Part VII, adopt all decisions necessary for the implementation of Articles 78 to 85 and the measures derived therefrom, which may include, inter alia, the supplementation or adaptation of Protocol 31 as well as the adoption of transitional arrangements necessary for the implementation of Article 85.

Art. 87

The Contracting Parties shall take the necessary steps to develop, strengthen, or expand cooperation on Community measures in areas not listed in Article 78, where such cooperation appears appropriate to contribute to the achievement of the objectives of this Agreement or is otherwise in the mutual interest of the Contracting Parties. This may include supplementing Article 78 by including additional areas.

Article 88

Without prejudice to the provisions of other parts of this Agreement, the provisions of this Part shall not prevent a Contracting Party from independently preparing, adopting, and implementing measures.

Part VII

Institutional Provisions

Chapter 1

Structure of the Association

Section 1 **The**

EEA Council

Art. 89

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

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

2) The Contracting Parties may—with regard to the Community and the EC Member States within their respective spheres of competence—raise a matter that may give rise to a difficulty, after it has been discussed in the EEA Joint Committee or, in particularly urgent cases, directly in the EEA Council.

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

Art. 90

1) The EEA Council shall consist 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 shall take its decisions by agreement between the Community, on the one hand, and the EFTA States, on the other.

Art. 91

1) The presidency of the EEA Council shall be held 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 is convened twice a year by its President. The EEA Council also meets as often as circumstances require, in accordance with its rules of procedure.

Section 2

The EEA Joint Committee

Art. 92

1) A Joint EEA 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 regard to the Community and the EC Member States within their respective spheres of competence—shall discuss any matter concerning 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 consists of representatives of the Contracting Parties.

2) The EEA Joint Committee shall take 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 chairmanship of the EEA Joint Committee shall be held 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) To carry out its duties, the EEA Joint Committee shall, as a general rule, meet at least once a month. It shall also be convened by its President 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 lay down the composition and working methods of these subcommittees and working groups in its rules of procedure. The tasks of these bodies shall be determined by the EEA Joint Committee on a case-by-case basis.

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

Section 3

Parliamentary Cooperation

Art. 95

- 1) A Joint Parliamentary EEA Committee shall be established. It shall consist of an equal number of members of the European Parliament, on the one hand, and members of the parliaments of the EFTA States, on the other. The total number of Committee members is laid down in the Statute in Protocol 36.
- 2) The Joint Parliamentary Committee of the EEA 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, through dialogue and consultation, contribute to a better understanding between the Community and the EFTA States in the areas covered by this Agreement.
- 4) The EEA Joint Parliamentary Committee may, as appropriate, issue opinions in the form of reports or resolutions. In particular, it shall examine the annual report on the functioning and development of this Agreement prepared by the EEA Joint Committee pursuant to 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 Joint Parliamentary Committee of the EEA shall adopt its own 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 shall 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) To this end, an EEA Consultative Committee shall be established. It shall consist of an equal number of members from the Economic and Social Committee of the Community and the EFTA Consultative Committee. The EEA Consultative Committee may, as appropriate, issue opinions in the form of reports or resolutions.

3) The EEA Consultative Committee shall adopt its own rules of procedure. Chapter 2

Decision-Making Procedures

Art. 97

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

- provided that the EEA Joint Committee determines that the amended legislation does not impair the proper functioning of this Agreement, or

- provided that the procedure under Article 98 has

been completed. Article 98

The Annexes to this Agreement, as well as Protocols 1 through 7, 9, 10, 11, 19 through 27, 30, 31, 32, 37, 39, 41, and 47 may, as appropriate, be amended by decision of the Joint EEA Committee in accordance with Article 93(2) and Articles 99, 100, 102, and 103.

Article 99

1) As soon as the EC Commission drafts new legislation in an area covered by this Agreement, it shall seek the advice of experts from the EFTA States on an informal basis, in the same way that it seeks the advice of experts from the EC Member States when drafting its proposals.

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

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

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

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 European Commission shall ensure that experts from the EFTA States are involved, to the greatest extent possible and depending on the field, in the preparation of draft measures to be submitted to the committees that assist the European Commission in the exercise of its implementing powers. In this context, the EC Commission shall consult experts from the EFTA States on the same basis as experts from the EC Member States when drafting measures.

In cases where the Council of the European Communities is seized of the draft in accordance with the procedure applicable to the committee concerned, the EC Commission shall forward to the Council of the European Communities the opinions of the experts from the EFTA States.

Art. 101

1) Experts from EFTA States shall participate in the work of committees not covered by either Article 81 or Article 100 if this is necessary for the proper functioning of this Agreement.

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

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

Art. 102

1) To ensure legal certainty and the homogeneity of the EEA, the EEA Joint Committee shall adopt decisions amending an annex to this Agreement as soon as possible after the adoption of the relevant new Community legislation, so that such Community legislation and the amendments to the annexes to this Agreement may be applied simultaneously. To this end, when the Community adopts a legal act in a field covered by this Agreement, it shall 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 this Agreement is directly affected by the new legislation.

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

In particular, the EEA Joint Committee shall make every effort to find a solution acceptable to both sides if a serious problem arises in an area falling 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 proper functioning of this Agreement; to this end, it may take the necessary decisions, including the possibility of recognizing the equivalence of legislation. Such a decision shall be taken within six months of the matter being referred to the EEA Joint Committee or upon the entry into force of the relevant Community legislation, whichever is later.

5) If, by the expiry of the period referred to in paragraph 4, the EEA Joint Committee has not adopted a decision amending an annex to this Agreement, the parts of that annex affected by the new provisions shall be deemed provisionally suspended to the extent specified in 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 relevant EC act enters into force in the Community. The EEA Joint Committee shall continue its efforts to reach agreement on a mutually acceptable solution so that the provisional suspension may be lifted as soon as possible.

6) The practical consequences of the provisional suspension pursuant to paragraph 5 shall be discussed in the EEA Joint Committee. The rights and obligations of private individuals and market participants already established under this Agreement shall remain unaffected. The Contracting Parties shall, where necessary, decide on adjustments required 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.

If no such notification has been received by that date, the decision shall enter into force on the first day of the second month following the last notification.

2) If no such notification has been received by the end of a period of six months following the adoption of the decision by the EEA Joint Committee, the decision of the EEA Joint Committee shall be applied provisionally until the constitutional requirements have been met, 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 Joint EEA 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 relevant EC legal act enters into force in the Community.

Article 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; the Contracting Parties shall take the necessary measures to ensure the implementation and application of such decisions.

Chapter 3

Homogeneity, Monitoring Procedures, and Dispute Settlement

Section 1

Homogeneity

Art. 105

1) In pursuit of the Contracting Parties' objective of achieving as uniform an interpretation as possible of the Agreement and of the provisions of Community law, the substance of which is incorporated into the Agreement, the EEA Joint Committee shall act in accordance with 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 EFTA Court referred to in Article 108(2). To this end, the judgments of these courts shall be transmitted to the EEA Joint Committee, which shall endeavor to ensure that the homogeneous interpretation of the Agreement is maintained.

3) If the EEA Joint Committee is unable to ensure a uniform interpretation of the Agreement within two months of being notified of a divergence in the case law of the two courts, the procedures set forth in Article 111 may be applied.

Article 106

In order to ensure the most uniform interpretation possible 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, the Court of Justice of the European Communities, and the Court of First Instance of the European Communities, as well as the courts of last instance of the EFTA States. This system shall include:

- a) the transmission to the Registrar of the Court of Justice of the European Communities of judgments of the aforementioned courts that concern 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, as well as of the acts adopted pursuant to those Treaties, insofar as they concern provisions that are, in their essential content, identical to those of this Agreement;
- b) the classification of such judgments by the Registrar of the Court of Justice of the European Communities; this shall include, where necessary, the preparation and publication of translations and summaries;
- c) the transmission of the relevant documents by the Registrar of the Court of Justice of the European Communities to the competent national authorities to be designated by the individual Contracting Parties.

Art. 107

The EFTA States may authorize 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 governing this are set out in Protocol 34.

Section 2 **Surveillance**

Procedures Art. 108

1) The EFTA States shall establish an independent surveillance body (EFTA Surveillance Authority) and introduce procedures similar to those existing in the Community

; these include procedures to ensure compliance with the obligations under this Agreement and procedures to review the legality of acts of the EFTA Surveillance Authority in the field of competition.

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

Pursuant to a special agreement among the EFTA States regarding the application of this Agreement, the EFTA Court has jurisdiction in particular over:

- a) actions relating to the surveillance procedure concerning 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) Compliance with the obligations under this Agreement shall be monitored by the EFTA Surveillance Authority, on the one hand, and by the EC Commission, on the other, in accordance with the Treaty establishing the European Economic Community and this Agreement.

2) To ensure uniform supervision throughout the EEA, the EFTA Surveillance Authority and the EC Commission shall cooperate, exchange information, and consult each other on matters of supervisory policy and in 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 examine the complaints falling within its competence and shall forward to the other institution those complaints falling within the latter's competence.

5) If a disagreement arises between the two bodies regarding the handling of a complaint or the outcome of the examination, either body may refer the matter to the EEA Joint Committee, which shall deal with it in accordance with Article 111.

Art. 110

Decisions of the EFTA Surveillance Authority and the EC Commission under this Agreement which impose a payment shall be enforceable;

This does not apply to States. The same applies to relevant judgments of the Court of Justice of the European Communities, the Court of First Instance of the European Communities, and the EFTA Court rendered pursuant to this Agreement. Enforcement shall be carried out in accordance with the rules of civil procedure of the State in whose territory it takes place. The enforcement order shall be issued, following a review limited to the authenticity of the instrument, by the authority designated by each Contracting Party for this purpose, 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.

Once these formal requirements have been met at the request of the party seeking enforcement, that party may pursue enforcement in accordance with the law of the State in whose territory enforcement is to take place by directly applying to the competent authority.

The enforcement of decisions of the European 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; the 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 shall have jurisdiction to review complaints regarding the legality of enforcement measures.

Section 3

Dispute

Settlement 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 information 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 examine all possibilities for maintaining the proper functioning of the Agreement.

3) If the dispute concerns the interpretation of provisions of this Agreement that are, in substance, identical 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 by that time decided to seek a ruling from the Court of Justice of the European Communities, a Contracting Party may, to redress any imbalances,

- either take a protective measure pursuant to Article 112(2) in accordance with the procedure set forth in Article 113,

- or apply Article 102 *mutatis mutandis*.

4) If the dispute concerns the scope or duration of protective measures under Article 111(3) or Article 112, or the appropriateness of compensatory measures pursuant to Article 114, and if the EEA Joint Committee fails to settle the dispute within three months of being seized of it, either Contracting Party may submit the dispute to the Arbitration Tribunal in accordance with the procedures set out in Protocol 33. Questions concerning the interpretation of the provisions of this Agreement referred to in paragraph 3 may not be dealt with in such proceedings. The arbitral award shall be binding on the parties to the dispute.

Chapter 4 **Safeguard**

Measures Art. 112

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

2) The scope and duration of these protective measures shall be limited to what is strictly necessary to resolve the difficulties. Preference shall be given to measures that disrupt the functioning of this Agreement as little as possible.

3) The safeguard measures shall apply to all Contracting Parties.

Art. 113

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

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

3) The Contracting Party concerned may not take safeguard measures until one month has elapsed from the date of notification under paragraph 1, unless the consultation procedure under paragraph 2 has been concluded before the expiration of that 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.

Within the Community, the safeguard measures shall be taken by the European Commission.

4) The Contracting Party concerned shall immediately notify the EEA Joint Committee of these measures and provide all relevant information.

5) Consultations on the protective measures taken shall take place in the EEA Joint Committee every three months from the date of their introduction, with the aim of lifting these measures before the end of their intended period of validity or limiting their scope.

Any Contracting Party may at any time request the Joint EEA 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 under this Agreement, any other Contracting Party may take appropriate

compensatory measures that are strictly necessary to remedy the imbalance. Preference shall be given to measures that disrupt the functioning of the EEA as little as possible.

2) The procedure under Article 113 shall apply.

Part VIII

Financing Mechanism

Art. 115

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

Article 116

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

Art. 117

The provisions governing the financing mechanisms are set forth in Protocol 38, Protocol 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 them to areas not covered by it, it shall submit a reasoned proposal to the other Contracting Parties in the EEA Council. The EEA Council may instruct the EEA Joint Committee to examine the request from all angles and to draw up a report.

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

2) The agreements resulting from the negotiations referred to in paragraph 1 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 to which they refer, 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 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, insofar as this Agreement covers the same subject matter.

Art. 121

This Agreement shall not affect cooperation:

- a) within the framework of Nordic cooperation, insofar as this does not impair the proper functioning of this Agreement;
- b) within the framework of the regional union between Switzerland and Liechtenstein, insofar as the objectives of that union are not achieved through the application of this Agreement and the proper functioning of this Agreement is not impaired.
- c) Repealed

Art. 122

The representatives, delegates, and experts of the Contracting Parties, as well as officials and other staff acting within the framework of this Agreement, are obligated, even after the termination of their official duties, not to disclose information that by its nature is subject to professional secrecy; this applies in particular to information concerning undertakings, their business relationships, or cost elements.

Art. 123

This Agreement shall in no way prevent a Contracting Party from taking measures

- a) which it deems necessary to prevent the disclosure of information that would be contrary to its essential security interests;

b) which relate to the production of, or trade in, arms, ammunition, and war material, or other goods essential for defense purposes or for research, development, or production for defense purposes, provided that such measures do not impair the conditions of competition with respect to goods not intended specifically for military purposes;

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

Art. 124

Notwithstanding the other provisions of this Agreement, the Contracting Parties shall treat nationals of EC Member States and EFTA States as nationals of their own countries with regard to their participation in the capital of companies within the meaning of Article 34.

Art. 125

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

Art. 126

1) This Agreement applies to the territories in which the Treaty establishing the European Economic Community is applied, and in accordance with that Treaty, and to the territories of Iceland, the Principality of Liechtenstein, and the Kingdom of Norway.

2) Notwithstanding 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 upon ratification of this Agreement, notify that the Agreement shall apply to the said islands under the conditions applicable to the remaining 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 at any time on the Åland Islands concerning:

i) restrictions on the right of natural persons who do not possess regional residency rights in the Åland Islands, and of legal entities, to acquire and own real property in the Åland Islands without the authorization of the competent authorities of the Åland Islands;

ii) restrictions on the right of natural persons who do not possess regional residency rights in the Åland Islands, or of legal entities, to establish themselves without the authorization of the competent authorities of the Åland Islands, and on the right to provide services without such authorization.

b) The rights of Ålanders in Finland shall not be 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 remaining Contracting Parties shall immediately convene a diplomatic conference to consider the amendments required to the Agreement.

Art. 128

1) Any European State that becomes a member of the Community shall apply, and the Swiss Confederation as well as any European State that 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 text being equally authentic.

As a result of the enlargements of the European Economic Area, the versions of this Agreement in the Bulgarian, Estonian, Croatian, Latvian, Lithuanian,

Maltese, Polish, Romanian, Slovak, Slovenian, Czech, and Hungarian are equally authentic.

The texts of the acts referred to in the Annexes are those published in the Official Journal of the European Union in Bulgarian, Danish, German, English, Estonian, Finnish, French, Greek, Italian, Croatian, Latvian, Lithuanian, Maltese, Dutch, Polish, Portuguese, Romanian, Swedish, Slovak, Slovenian, Spanish, Czech, and Hungarian, and shall be drawn up for authentication 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 set forth in the Protocol of Adaptation to the Agreement on the European Economic Area.

In witness whereof, the undersigned plenipotentiaries have signed this Agreement.

Done at Porto on May 2, 1992

(Signatures follow)

