

## Translation of Liechtenstein Law

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<b>English title:</b>	Law of 10 December 2008 on the Enforcement of International Sanctions (International Sanctions Act, ISG)
<b>Original german title:</b>	Gesetz vom 10. Dezember 2008 über die Durchsetzung internationaler Sanktionen (ISG)
<b>Systematic number (LR-Nr.):</b>	946.21
<b>First publication date:</b>	29 January 2009
<b>First publication nr. (LGBL-NR):</b>	2009.041
<b>Last change date:</b>	01.10.2017
<b>Last change publication nr. (LGBL-NR):</b>	2017.203
<b>Translation date:</b>	30.10.2017

## Liechtenstein Law Gazette

Year 2009

No. 41

published on 29 January 2009

### Law of 10 December 2008 on the Enforcement of International Sanctions (International Sanctions Act, ISG)

I hereby grant My consent to the following resolution adopted by Parliament:<sup>1</sup>

#### I. General provisions

##### Article 1

##### *Object*

1) To enforce international sanctions that have been adopted by the United Nations or the most significant trading partners of the Principality of Liechtenstein and that serve to secure compliance with international law, and in particular the respect of human rights, coercive measures may be enacted.

2) Coercive measures may in particular:

- a) directly or indirectly restrict transactions involving goods and services, payment and capital transfers, and the movement of persons, as well as scientific, technological, and cultural exchange;
- b) include prohibitions, licensing, and reporting obligations as well as other restrictions of rights.

2a) This Act applies mutatis mutandis to coercive measures serving to enforce international obligations set out in paragraph 1(c) and (d) of United Nations Security Council resolution 1373 (2001).<sup>1</sup>

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<sup>1</sup> Report and Application of the Government No. 91/2008

3) This Act shall be subject to provisions applicable in Liechtenstein pursuant to international treaties.

## Article 2

### *Enactment of coercive measures*

1) The Government has the authority to enact compulsory measures. It may stipulate exceptions:

- a) in order to support humanitarian activities, in particular for the provision of food supplies, medicines, and therapeutic products, or
- b) in order to safeguard Liechtenstein interests.

2) The coercive measures are enacted in the form of ordinances.

## II. Execution

### Article 3

#### *Duty to provide information*

Anyone who is directly or indirectly affected by measures in accordance with this Act must on request provide the competent executing authorities with the information and documentation that is required for comprehensive assessment or supervision to be carried out.

### Article 4

#### *Powers of the executing authorities*

1) The competent executing authorities have the right to enter and inspect the business premises of persons who are subject to a duty to provide information without prior notice, as well as to examine relevant documentation and secure incriminating material. They may call upon the assistance of the National Police.

2) For the purpose of enforcing the powers mentioned in paragraph 1, the competent executing authorities must apply to the Court of Justice. The Code of Criminal Procedure applies *mutatis mutandis*.

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<sup>1</sup> Article 1(2a) inserted by LGBL 2017 No. 203.

Article 4a<sup>1</sup>*Exclusion of civil and criminal responsibility*

Anyone who makes arrangements in good faith in compliance with a coercive measure shall be exempt from any civil and criminal responsibility.

## Article 5

*Official secrecy*

The bodies responsible for execution of this Act, as well as third parties called upon for assistance, are obliged to preserve official secrecy.

**III. Cooperation**

## Article 6

*Cooperation within Liechtenstein*

The Liechtenstein authorities, especially the courts, the Office of the Public Prosecutor, the FMA, the FIU, the National Police, and other competent authorities in the field of international sanctions are required to disclose data, including sensitive data, to each other and to transmit documents, provided that this is necessary for execution of this Act and of the ordinances referred to in Article 2(2).

## Article 7

*Cooperation with foreign authorities and the United Nations*

1) The competent executing authorities may cooperate with the competent foreign authorities and the United Nations and coordinate their investigations, provided:

- a) this is necessary for the execution of this Act and of the ordinances referred to in Article 2(2), corresponding foreign provisions, or corresponding provisions of the United Nations; and

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<sup>1</sup> Article 4a inserted by LGBl. 2017 No. 203.

b) the foreign authorities or the United Nations are bound by official secrecy or a corresponding duty of secrecy, and guarantee the prevention of industrial espionage within the scope of their activities.

2) The competent executing authorities may in particular request foreign authorities and the United Nations to hand over any data that is required. In order to obtain such data, they may disclose data, including sensitive data, to the foreign authorities and the United Nations, and in particular data relating to:

- a) the nature, quantity, place of destination and place of use, purpose, and recipients of goods and services;
- b) persons who are involved in the manufacture, supply, or procurement of goods or the provision of services;
- c) the financial terms and conditions of the transaction and the persons involved;
- d) frozen accounts and assets.

3) The competent executing authorities may disclose data referred to in paragraph 2 on their own initiative or in response to a request from a foreign State, provided the State:

- a) accords reciprocal legal rights and is also enforcing the international sanctions;
- b) provides assurance that the data will be processed only for purposes that are in accordance with this Act; and
- c) provides assurance that the data will be used in criminal proceedings only if that data has subsequently been obtained in accordance with the provisions of the Mutual Legal Assistance Act.

4) The competent executing authorities may, subject to the requirements of paragraph 3, also disclose data to the United Nations. In doing so, they may dispense with the requirement that reciprocal legal rights be accorded.

5) These provisions are subject to the provisions of the Mutual Legal Assistance Act. Offences under this Act shall not be considered a violation of provisions governing taxes, monopolies, customs, or foreign currencies or of provisions governing the management of goods or foreign trade as referred to in Article 15 of the Mutual Legal Assistance Act.

## IV. Data protection

### Article 8

#### *Data processing*

1) The competent executing authorities may process data, provided this is necessary for the execution of this Act and of the ordinances referred to in Article 2(2).

2) The competent executing authorities may process sensitive data only in the event that such data is relevant to proceedings or penalties under administrative or criminal law or if this is essential for the handling of the case in question.

## V. Legal protection

### Article 8a<sup>1</sup>

#### *Request for removal or non-application*

1) Natural and legal persons, groups, undertakings, and organisations affected by a coercive measure may submit to the Government a substantiated request to have their name removed from the annex of an ordinance referred to in Article 2(2) or for non-application of the coercive measure.

2) The Government shall decide on the request.

### Article 9

#### *Legal remedies and proceedings*

1) Decisions and decrees of the competent executing authorities may be appealed by way of complaint to the Government within 14 days of service.

2) Decisions and decrees of the Government may be appealed by way of complaint to the Administrative Court within 14 days of service.

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<sup>1</sup> Article 8a inserted by LGBl. 2017 No. 203.

3) The provisions of the National Administration Act apply *mutatis mutandis* to the proceedings.

## VI. Penal provisions and measures

### Article 10

#### *Misdemeanours*

1) Anyone who wilfully violates any provision of an ordinance referred to in Article 2(2), provided such violation is declared to be punishable, shall be sentenced by the Court of Justice to imprisonment of up to three years or to a monetary penalty of up to 360 daily penalty units.

2) In the event that the violation is committed negligently, the maximum penalty shall be reduced by half.

### Article 11

#### *Contraventions*

1) Anyone who wilfully commits one of the following acts shall be convicted by the Court of Justice of a contravention and sentenced to a fine of up to 100,000 francs, or to imprisonment of up to six months if the fine cannot be collected:

- a) refuses to provide information, to hand over documents, or to permit access to business premises as referred to in Article 3 and Article 4(1), or makes false or misleading statements in this connection, where the act is not considered culpable conduct in accordance with any other penal offence;
- b) violates any provision of an ordinance referred to in Article 2(2), provided such contravention is declared to be punishable, or violates any decree issued with reference to the liability to penalties under this article, where the act is not considered culpable conduct in accordance with the elements of any other offence.

2) In the event that the violation is committed negligently, the maximum penalty shall be reduced by half.

3) The period of limitation for the contraventions set out in paragraph 1 shall be five years.

## Article 12

*Responsibility*

Where offences are committed in the business operations of a legal person, a general or limited partnership, or a sole proprietorship, then the penal provisions shall apply to the persons who acted or should have acted on its behalf; the legal person, partnership, or sole proprietorship shall, however, be jointly and severally liable for monetary penalties, fines, and costs.

## Article 13

*Confiscation of property and assets*

- 1) Property and assets that are subject to coercive measures may be confiscated by the Government beyond the scope of criminal proceedings where an obligation under international law exists to that effect.
- 2) To prevent cases of hardship, the Government may grant exceptions.
- 3) The provisions of the National Administration Act shall apply to the confiscation proceedings.
- 4) The confiscated property and assets shall be used in accordance with obligations under international law.

**VII. Final provisions**

## Article 14

*Implementing ordinances*

The Government shall issue the ordinances necessary to implement this Act.

Article 14a<sup>1</sup>*Automatic adoption of United Nations lists*

1) By ordinance, the Government may provide for automatic adoption of the lists issued or updated by the United Nations Security Council or the competent committee of the Security Council covering natural and legal persons, groups, undertakings, and organisations.

2) The lists referred to in paragraph 1 shall not be published in the Liechtenstein Law Gazette. They may be accessed on the website of the United Nations.

## Article 15

*Executing authorities*

1) The executing authorities for the purpose of this Act shall be the Government and the offices of the National Administration it designates by ordinance.

2) The executing authorities may issue guidance on the detailed interpretation of the provisions of this Act and of the ordinances referred to in Article 2(2).<sup>2</sup>

## Article 16

*Repeal of law hitherto in force*

The Law of 8 May 1991 on Measures concerning Economic Transactions with Foreign States, LGBL 1991 No. 41, is repealed.

## Article 17

*Entry into force*

Subject to expiry of the referendum period without a referendum being called, this Act shall enter into force on 1 March 2009, otherwise on the day of its promulgation.

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<sup>1</sup> Article 14a inserted by LGBL 2017 No. 203.

<sup>2</sup> Article 15(2) inserted by LGBL 2017 No. 203.

Representing the Reigning Prince:  
signed *Alois*  
Hereditary Prince

signed *Otmar Hasler*  
Prime Minister