

Translation of Liechtenstein Law

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English title:	Business Act (GewG) of 30 September 2020
Original German title:	Gewerbegesetz (GewG) vom 30. September 2020
Serial number (LR-Nr.):	930.1
First published:	4 December 2020
First publication no. (LGBI-Nr.):	2020-415
Last amended:	1 May 2023
Date of last amendment - publication no. (LGBI-Nr.):	2023-153
Translation date:	30 June 2023

Liechtenstein Law Gazette

Year 2020

No. 415

published on 4 December 2020

Business Act (GewG)
of 30 September 2020

I hereby grant My consent to the following resolution adopted by Parliament:¹

I. General provisions

Article 1

Object and purpose

1) While respecting the freedom of trade and commerce, this Act sets out the framework for carrying out business activities and, in the interest of protecting the public, establishes the minimum requirements for carrying out business activities.

2) The Act aims to ensure that the competitiveness of Liechtenstein business is preserved and strengthened by safeguarding a high standard of quality.

3) It also serves to implement the following EEA legislation:

- a) Directive 2005/36/EC on the recognition of professional qualifications²;
- b) Directive 2006/123/EC on services in the internal market³;

¹ Report and Motion of the Government No. 14/2020, Statement of the Government No. 95/2020

² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, 22)

³ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, 36)

c) Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing⁴.

4) The version currently in force of the EEA legislation referred to in paragraph 3 is referenced in the promulgation of the decisions of the EEA Joint Committee in the Liechtenstein Law Gazette pursuant to Article 3(k) of the Promulgation Act.

Article 2

Scope of application

1) Subject to Article 3, this Act shall apply to all business activities carried out in Liechtenstein and not prohibited by law.

2) An activity shall be deemed a business activity if it is carried out on a self-employed and regular basis and with the intention of generating an income or other economic advantage, irrespective of the intended purposes of such income or economic advantage.

3) For the purposes of this Act, an activity shall be deemed self-employed if it is carried out for own account and risk.

4) Even a one-time act shall be deemed a regular activity if, in light of the circumstances of the case, the intention to repeat the act can be inferred or if the act requires an extended period of time.

5) An association shall be deemed to have the intention of generating an income or other economic advantage if its business activity gives the appearance of a business operation and this activity aims, directly or indirectly, at obtaining a pecuniary advantage for the association or its members, irrespective of the intended purposes of such income or economic advantage.

⁴ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, 73)

Article 3

Exceptions from the scope of application

1) This Act shall not apply to:

- a) agricultural production, including the sale of agricultural products and para-agricultural activities;
- b) artistic and scientific activities, and the right of creators to self-publish;
- c) the publication of newspapers and magazines;
- d) the work of public-benefit workshops offering services for persons with disabilities, where such work is carried out as a business activity;
- e) the pursuit of the branches of activity of private instruction and education and the operation of establishments serving those purposes, as well as the work of public schools or private schools operating with public status, where such work is carried out as a business activity;
- f) the operation of theatres and shows of all kinds as well as public entertainment;
- g) the branches of activity which, in light of their nature and their mode of operation, fall into the group of secondary domestic occupations and are carried out by the ordinary members of one's own household;
- h) very simple tasks performed for an hourly or daily wage or compensation for work performed;
- i) business activity as a professional sportsperson;
- k) the business activity of associations, to the extent that:
 - 1. such business activity serves to achieve non-commercial goals;
 - 2. such business activity is of subordinate importance as compared to the non-commercial activity; and
 - 3. the turnover from such activity does not exceed the amount of 150 000 Swiss francs per year for two consecutive years.

2) This Act shall not apply to business activities whose authorisation is governed by other laws, in particular:

- a) activities pursuant to the Agriculture Act;
- b) activities pursuant to the Physicians Act, the Public Health Act, the Veterinary Health Professions Act, and the Narcotics Act, as well as the trade in therapeutic products, in raw materials for medical products, and in poisons;
- c) activities pursuant to the Lawyers Act, the Patent Lawyers Act, the Trustee Act, the Auditors Act, the Law on the Supervision of Persons

under Article 180a of the Law on Persons and Companies, and the Notaries Act;

- d) activities pursuant to the Construction Professions Act;
- e) the activities of banks and investment firms, electronic money institutions, insurance undertakings, pawnshops, undertakings for collective investment in transferable securities and their management companies, investment undertakings and their management companies, alternative investment funds and their managers (AIFMs) as well as other business partners authorised under the AIFM Act, asset management companies, insurance intermediaries, reinsurance intermediaries, and ancillary insurance intermediaries, payment service providers, service providers for legal entities, pension schemes, and institutions for occupational retirement provision;
- f) activities pursuant to the Travelling Trade in Goods Act;
- g) private job placement and temporary employment services pursuant to the Employment Services Act;
- h) the activities of railway undertakings pursuant to the Railways Act and of airlines pursuant to the Aviation Act;
- i) the activities of mediators pursuant to the Civil Mediation Act;
- k) the activities of road transport undertakings under the Road Transport Act and the Passenger Transport Act;
- l) trade in and the manufacture of weapons and ammunition as well as the operation of shooting ranges;
- m) the operation of gambling games under the Gambling Act;
- n) the activities of collecting societies as well as dependent and independent collecting institutions pursuant to the Collecting Societies Act;
- o) the activities of support and care of children and young people outside the home pursuant to the Children and Youth Act;
- p) the provision of electronic communications networks and the offering of electronic communications services pursuant to the Communications Act;
- q) activities pursuant to the Electricity Market Act and the Gas Market Act;
- r) activities pursuant to the Law on the Admission of Interpreters and Translators before Liechtenstein Courts and Administrative Authorities;
- s) the activities of TT service providers pursuant to the Token and TT Service Provider Act;

- t) the activities of credit intermediaries pursuant to the Mortgage and Real Estate Credit Act;⁵
- u) the provision of postal services and parcel delivery services pursuant to the Postal Services and Parcel Delivery Services Act.⁶

3) This Act shall not apply to business activities that are directly related to a legally defined purpose of a public undertaking pursuant to the Public Undertakings Control Act.

4) This Act shall not apply to the following hospitality activities:

- a) the serving of food and beverages as defined by ordinance:
 - 1. at cultural, sports, youth, recreation, senior, and ecclesiastic centres; operating hours shall be limited according to the activities of the individual centres;
 - 2. in the alpine farms operated by citizens' or alpine cooperatives as well as in the huts of the Liechtenstein Alpine Association in the alpine region;
 - 3. in simple forms of operation in the immediate vicinity of winter sport facilities, in particular in the Malbun and Steg ski area; operating hours shall largely be linked to the operating hours of the ski lifts or the times available for cross-country skiing, as the case may be;
 - 4. in the context of a para-agricultural activity as referred to in paragraph 1(a);
 - 5. in the context of a business activity of associations as referred to in paragraph 1(k);
- b) the accommodation of no more than eight guests; serving breakfast to such guests shall also be permitted.

Article 3a⁷

Recognition of professional qualifications

1) To the extent not otherwise provided in this Act, the Law on the Recognition of Professional Qualifications shall apply to the recognition of professional qualifications acquired or recognised in an EEA Member State or in Switzerland and to the related detailed rules for pursuing the profession.

⁵ Article 3(2)(t) inserted by LGBL 2021 No. 28.

⁶ Article 3(2)(u) inserted by LGBL 2023 No. 153.

⁷ Article 3a inserted by LGBL 2023 No. 39.

2) Professional qualifications acquired in a third country may be recognised if they are equivalent to a recognised Liechtenstein attestation of competence or evidence of formal qualifications and reciprocity exists.

Article 4

Designations

The designations used in this Act to denote persons, professions, and functions shall include persons of male and female gender alike.

II. Classification of trades

Article 5

Qualified and simple trades

1) Qualified trades are trades requiring evidence of professional competence (Article 15) due to a special need for protection. All other trades are simple trades.

2) The Government shall determine the qualified trades by ordinance after hearing the professional and business associations.

Article 6

Linked trades

1) Linked trades are trades composed of at least two individual qualified trades which are comparable due to their use of tools and machines as well as due to the type of work to be performed and the necessary expertise.

2) Persons providing evidence of professional competence (Article 15) for an individual qualified trade belonging to a linked trade shall be entitled to carry out all individual qualified trades belonging to the linked trade.

3) The Government shall determine the linked trades by ordinance after hearing the professional and business associations.

Article 7

Industrial operations

A trade is carried out in the form of an industrial operation if the operation:

- a) has at least fifty employees;
- b) uses a large number of machines and technical facilities; and
- c) carries out activities that are not classified as a craft, trading, or service business.

III. Operating a business by way of establishment**A. Entitlement to operate a business**

Article 8

Basic principle

- 1) The entitlement to operate a business shall be a personal right that cannot be transferred.
- 2) The business purpose shall describe the activity actually carried out as well as the scope of the entitlement to operate a business.

Article 9

Notification requirement

- 1) Subject to Article 10, simple trades shall require notification.
- 2) If the conditions for operating the business are met, the entitlement to operate a business shall come into existence upon notification pursuant to Article 20.

Article 10

Licensing requirement

- 1) Trades for which professional competence or good repute must be verified before taking up the activity due to a special need for protection shall require a licence.

2) The entitlement to operate a business shall come into existence upon granting of the licence pursuant to Article 21.

3) By ordinance, the Government shall determine the trades requiring a licence.

B. Conditions for operating a business

Article 11

Basic principle

1) Natural persons shall receive the entitlement to operate a business if:

- a) they have legal capacity;
- b) they are of good repute (Articles 12 and 14);
- c) they are nationals of an EEA Member State or Switzerland, their reunified family members, life partners, or other entitled persons as defined in the Free Movement of Persons Act, or nationals of a third country with permanent, uninterrupted residence in Liechtenstein of at least five years;
- d) in the case of qualified trades, they possess professional competence (Article 15);
- e) they have a place of business (Article 16) in Liechtenstein;
- f) they designate an address for service in Liechtenstein; and
- g) they provide evidence that the business purpose is shown in the Commercial Register entry.

2) Legal persons with legal capacity as well as general and limited partnerships shall receive the entitlement to operate a business if:

- a) they meet the conditions set out in paragraph 1(b), (e), (f), and (g);
- b) they appoint a general manager (Article 17) and, where necessary, an operations manager (Article 18); and
- c) they have a branch in Liechtenstein, in the case of a foreign legal person or general or limited partnership.

3) No evidence of professional competence shall be required if the business is operated in the form of an industrial operation.

Good repute

Article 12

a) Grounds for exclusion

1) Natural persons shall be excluded from carrying out a business activity if they:

- a) have been convicted by a court for defrauding of creditors, detriment to third-party creditors, favouring of a creditor, or grossly negligent interference with creditor interests (§§ 156 to 159 StGB) or have been sentenced to imprisonment of more than three months or to a monetary penalty of more than 180 daily rates for any other act and the conviction has not been discharged;
- b) have been subject to unsuccessful attachment;⁸
- c) have been punished for a serious or repeated breach of statutory provisions, in particular under the Unfair Competition Act, the Consumer Protection Act, or the Due Diligence Act, where the breach was corrected with carrying out a business activity and the punishment was not more than five years prior; or⁹
- d) have been subject to a judicial or administrative prohibition, in whole or in part, on the exercise of their profession, even if only temporarily, or a corresponding restriction on the exercise of their profession, for a specific business activity.¹⁰

2) Legal persons shall be excluded from carrying out a business activity if:

- a) they have been sentenced by a court to a corporate monetary penalty of more than 20 daily rates pursuant to §§ 74a et seq. StGB and the conviction was not more than five years prior;
- b) insolvency proceedings have not been initiated with legal effect due to a lack of assets to cover costs; or
- c) a breach as referred to in paragraph 1(c) has occurred.

3) General and limited partnerships shall be excluded from carrying out a business activity in the case of paragraph 2(b).

4) The grounds for exclusion set out in paragraphs 1 to 3 shall also apply if an offence comparable to the enumerated ground for exclusion has been committed abroad.

⁸ Article 12(1)(b) amended by LGBL 2023 No. 39.

⁹ Article 12(1)(c) amended by LGBL 2023 No. 39.

¹⁰ Article 12(1)(d) inserted by LGBL 2023 No. 39.

Article 13

b) Forbearance

The Office of Economic Affairs may, on application, grant forbearance concerning an exclusion pursuant to Article 12 if:

- a) the particular nature of the offence and the personality of the convicted person do not give rise to the fear that the same or a similar offence would be committed if the person were to carry out the business activity; or
- b) in light of the economic situation of the applicant, it can be expected that the applicant will meet the payment obligations associated with carrying out the business activity.

Article 14

c) Package travel

Subject to Article 12, applicants who wish to organise package travel or act as an agent for linked travel arrangements shall be deemed to be of good repute if they have insolvency protection pursuant to the Package Travel Act.

Article 15¹¹*Professional competence*

1) Professional competence for carrying out a qualified trade shall be recognised if, on the basis of specific training and practical experience, evidence is provided of the knowledge and abilities necessary for carrying out the trade in question.

2) By ordinance, the Government shall provide further details governing the necessary training and practical experience for the individual qualified trades.

¹¹ Article 15 amended by LGBL 2023 No. 39.

Article 16

Place of business

- 1) Evidence of a place of business in Liechtenstein must be provided for a business activity to be carried out.
- 2) The place of business must be equipped in accordance with the business purpose and must have suitable premises for performing the activities necessarily connected with such purpose.
- 3) It shall be permissible to operate several places of business.
- 4) By ordinance, the Government may provide further specification of the requirements for the place of business for individual trades.

Article 17

General manager

- 1) Subject to Article 18, the general manager shall be accountable to the holder of the entitlement to operate a business for proper operation of the business and to the authorities for compliance with the provisions of business law and other provisions relevant to operation of the business.
- 2) The general manager must:
 - a) meet the conditions of Article 11(1)(a) to (d), subject to Article 18;
 - b) actually work in the undertaking in a management capacity and in particular actually work at the place of business with a workload commensurate with the operational requirements;
 - c) have autonomous powers to direct the undertaking; this shall include signing powers entered in the Commercial Register and comprehensive powers of instruction;
 - d) be a member of the governing body of the legal person or general or limited partnership endowed with powers of representation or be an employee with a permanent employment relationship.
- 3) When verifying the conditions set out in paragraph 2, the scope of operational and other obligations as well as the place of residence of the general manager shall be taken into account.
- 4) If several natural persons serve as general managers:
 - a) each general manager must meet the conditions set out in Article 11(1)(a) to (c); and

- b) at least one general manager must meet the condition set out in Article 11(1)(d), subject to Article 18.

Article 18

Operations manager

1) If the holder of the entitlement to operate a business or the general manager does not meet the condition set out in Article 11(1)(d), an operations manager must be appointed. The operations manager shall be accountable to the holder of the entitlement and to the general manager for the proper professional operation of the business.

2) The operations manager must meet:

- a) the conditions set out in Article 17(2)(a) and (d); and
- b) the conditions of Article 17(2)(b) and (c) with regard to specialist management.

3) Article 17(3) shall apply *mutatis mutandis*.

Article 19

Beneficial owners

If the holder of the entitlement to operate a business becomes a person subject to due diligence as referred to in Article 3(1)(n), (p), and (q) of the Due Diligence Act, the holder of the entitlement shall provide evidence of the good repute of the beneficial owners with qualifying holdings to the Office of Economic Affairs.

C. Procedure

Article 20

Trades subject to notification

1) Subject to Article 10, simple trades must be notified to the Office of Economic Affairs.

2) The required evidence shall be submitted with the notification, in particular:

- a) the documents necessary to provide evidence of the conditions for operating the business;
- b) an exact description of the business purpose;
- c) evidence that the fee has been paid.

3) If the conditions for operating the business are met, the business may be operated as soon as the notification has been submitted.

4) The Office of Economic Affairs shall verify without delay, but at most within three months from receipt of the complete notification, whether the conditions for operating the business are met.

5) If the conditions for operating the business are met, the Office of Economic Affairs shall make the entry in the Business Register and shall provide the holder of the entitlement to operate a business with an extract from the Business Register.

6) If the conditions for operating the business are not met, the Office of Economic Affairs shall establish this by decree and take the necessary measures, subject to proceedings set out in Article 44.

Article 21

Trades subject to licensing

1) Anyone wishing to practise a trade as referred to in Article 10 must submit an application for a licence to the Office of Economic Affairs.

2) The required evidence shall be submitted with the application, in particular:

- a) the documents necessary to provide evidence of the conditions for operating the business;
- b) an exact description of the business purpose;
- c) evidence that the fee has been paid.

3) The Office of Economic Affairs shall verify without delay, but at most within three months from receipt of the complete application, whether the conditions for operating the business are met. The decision period shall commence with the receipt of the complete application. Where applicable, the applicant shall be informed of the incompleteness of the application and the resulting legal consequences.

4) The decision period may be extended one time for a reasonable period where necessary due to the difficulty of the matter. The extension

shall be communicated with reasons before the expiry of the decision period.

5) The Office of Economic Affairs shall issue an acknowledgement of receipt without delay upon receipt of the complete application, which shall contain the following information in particular:

- a) the decision period;
- b) appeals or remedies;
- c) where applicable, the legal consequences.

6) If the conditions for operating the business are met, the Office of Economic Affairs shall grant the licence, make the entry in the Business Register, and provide the holder of the entitlement to operate a business with an extract from the Business Register. Otherwise, the application shall be rejected.

7) The entitlement to operate the business shall be deemed to have been granted if the Office of Economic Affairs does not decide within the period set out in paragraphs 3 and 4.

8) Paragraphs 3 to 5 and 7 shall apply only to business activities that fall within the scope of Directive 2006/123/EC.

Article 22

Facilitations for EEA nationals and legal persons established in the EEA

1) EEA nationals legally established in an EEA Member State and carrying out business activities there that fall within the scope of Directive 2006/123/EC shall be exempt from providing evidence of the conditions for operating a business pursuant to this Act to the extent that they:

- a) are entitled to take up and carry out a business activity as referred to in this Act in one of these States; and
- b) have undergone a procedure for obtaining this entitlement, the conditions of which correspond to those of this Act or are essentially comparable as regards their purpose.

2) The provisions of paragraph 1 shall also apply to legal persons as referred to in Article 34 of the EEA Agreement which are formed in accordance with the laws of an EEA Member State and have their registered office, central administration, or principal place of business in an EEA Member State. If the legal persons have only their registered office in an EEA Member State, their activity must have a real and continuous link with the economy of an EEA Member State.

D. Duty to notify

Article 23

Basic principle

1) The holder of the entitlement to operate a business or the general manager shall notify the Office of Economic Affairs without delay in writing if:

- a) the conditions that led to receipt of the entitlement subsequently change;
- b) the business has not been operated for an uninterrupted period of at least two years;
- c) an additional place of business is operated;
- d) the entitlement is suspended in accordance with Article 24 or the business activity is resumed.

2) The procedural provisions set out in Articles 20 et seq. shall apply *mutatis mutandis*.

E. Suspension, lapse, and withdrawal of the entitlement to operate a business

Article 24

Suspension

1) The entitlement to operate a business shall be suspended pursuant to a written declaration to the Office of Economic Affairs to temporarily refrain from carrying out the business activity.

2) In the case of activities relevant to safety, the entitlement may be suspended for no more than five years.

3) An address for service in Liechtenstein must be designated for the period during which the entitlement is suspended.

4) The Office of Economic Affairs shall be informed in advance of the resumption of the business activity.

5) The Government shall provide further details by ordinance governing suspension of the entitlement.

Article 25

Lapse

The entitlement to operate a business shall lapse upon:

- a) the death of the holder of the entitlement;
- b) the loss of legal capacity;
- c) renunciation declared in writing;
- d) removal of the undertaking from the Commercial Register.

Article 26

Withdrawal

The entitlement to operate a business shall be withdrawn:

- a) if the conditions for the receipt thereof are no longer met;
- b) if, subject to Article 24, the business has not been operated for an uninterrupted period of at least two years;
- c) if the entitlement was obtained on the basis of incorrect or misleading information or by concealing essential facts;
- d) if a repeated risk to the safety and health of employees or other persons is to be feared in connection with carrying out the activity;
- e) if any fees have not been paid.

IV. Operation of a business by cross-border provision of services

A. Provision of services from an EEA Member State and from Switzerland

Article 27

Basic principle

1) EEA and Swiss nationals legally established in an EEA Member State or Switzerland and entitled to carry out an activity as referred to in this Act in one or more of those countries shall, within the scope of their

entitlement, have the right to provide temporary and occasional cross-border services in Liechtenstein.¹²

2) The provisions of paragraph 1 shall also apply to:

- a) legal persons as referred to in Article 34 of the EEA Agreement which are formed in accordance with the laws of an EEA Member State and have their registered office, central administration, or principal place of business in an EEA Member State. If the legal persons have only their registered office in an EEA Member State, their activity must have a real and continuous link with the economy of an EEA Member State;
- b) legal persons which were formed in accordance with Swiss law and have their registered office, central administration, or principal place of business in Switzerland; the second sentence of subparagraph (a) shall apply *mutatis mutandis*.

3) The temporary and occasional nature of the provision of services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity, and its continuity.

Article 28

Duty to declare

1) Service providers of a qualified trade shall inform the Office of Economic Affairs in a written declaration before providing the service for the first time.

2) The declaration shall be renewed each year if the service provider of a qualified trade intends to provide temporary or occasional services in Liechtenstein during that year.

3) The declaration must be renewed without delay if there is a material change from the situation previously substantiated.¹³

Article 29

Documents

1) The following documents shall be submitted together with the first report of the provision of a service in Liechtenstein:

¹² Article 27(1) amended by LGBL 2023 No. 39.

¹³ Article 28(3) inserted by LGBL 2023 No. 39.

- a) an attestation certifying that:
 - 1. the service provider legally carries out the activity concerned in the country of establishment; and
 - 2. the service provider is not prohibited from carrying out the activity, even temporarily, at the moment of delivering the attestation;
 - b) proof of nationality;
 - c) evidence of professional qualifications;¹⁴
 - d) if the service is related to the business of private detective or security specialist, evidence that the service provider and the service provider's employees have no prior criminal convictions;
 - e) for professions encompassing the activities referred to in Article 16 of Directive 2005/36/EC and which are notified in accordance with Article 59(2) of Directive 2005/36/EC, a certificate concerning the nature and duration of the activity issued by the country of establishment;¹⁵
 - f) for service providers under the Package Travel Act, evidence of the existence of insolvency protection.¹⁶
- 2) If the profession or the education and training leading to the profession is not regulated in the country of establishment of the service provider, evidence of professional qualifications shall not be required. In such a case, the service provider shall provide evidence that the service provider has pursued that profession for at least one year during the preceding ten years in one or more of the States referred to in Article 18(1).¹⁷
- 3) If the service provider is a legal person as referred to in Article 27(2), the evidence referred to in paragraph 1(b) to (d) shall be provided for the general manager or the operations manager.
- 4) The relevant documents must be submitted with the declaration of a material change in accordance with Article 28(3).¹⁸

¹⁴ Article 29(1)(c) amended by LGBL 2023 No. 39.

¹⁵ Article 29(1)(e) inserted by LGBL 2023 No. 39.

¹⁶ Article 29(1)(f) inserted by LGBL 2023 No. 39.

¹⁷ Article 29(2) amended by LGBL 2023 No. 39.

¹⁸ Article 29(4) amended by LGBL 2023 No. 39.

Article 30

Check

1) The Office of Economic Affairs may, in the case of professions which have public health or safety implications and do not benefit from automatic recognition under Title III Chapters II, III, or IIIa of Directive 2005/36/EC, appropriately check the professional qualification of the service provider prior to the first provision of the service, where this is necessary to avoid a serious risk to public health or safety or to the health or safety of the service recipient due to a lack of professional qualification of the service provider.¹⁹

2) The Office of Economic Affairs shall within one month of receipt of the declaration and required documents inform the service provider of its decision:²⁰

- a) to authorise the provision of the service without checking the professional qualification;
- b) after checking the professional qualification:
 - 1. to authorise the provision of the service; or
 - 2. to require the service provider to take an aptitude test.

2a) Where there is a difficulty which would result in a delay in the decision referred to in paragraph 2, the Office of Economic Affairs shall notify the service provider within one month of receipt of the declaration and required documents of the reasons for the delay. The difficulty shall be resolved within one month of such notification, and the decision referred to in paragraph 2 shall be finalised within two months of the resolution of the difficulty.²¹

3) Where there is a substantial difference between the professional qualification of the service provider and the training required in Liechtenstein, and if this constitutes a risk to public health or safety, the provisions on compensation measures under the Law on the Recognition of Professional Qualifications shall apply. In any case, it must be possible to provide the service within one month of a decision being taken in accordance with paragraph 2 or 2a.²²

¹⁹ Article 30(1) amended by LGBl. 2023 No. 39.

²⁰ Article 30(2) amended by LGBl. 2023 No. 39.

²¹ Article 30(2a) inserted by LGBl. 2023 No. 39.

²² Article 30(3) amended by LGBl. 2023 No. 39.

4) In the absence of a reaction of the Office of Economic Affairs within the deadlines set in paragraphs 2, 2a, and 3, the service may be provided.²³

5) In cases where the professional qualification of the service provider has been checked, the service shall be provided under the Liechtenstein professional title.²⁴

6) By ordinance, the Government shall establish the professions referred to in paragraph 1.

Article 31²⁵

Rights and duties of service providers

1) When providing services, service providers shall be subject to the same professional rules and disciplinary provisions which are directly linked to professional qualifications as persons authorised to carry out the relevant activity in Liechtenstein.

2) The Office of Economic Affairs shall inform the competent authority of the country of establishment without delay of any breaches by the service provider of the provisions referred to in paragraph 1 and of any measures taken.

Article 32

Use of professional titles

1) Service providers must provide the service under the professional title of the country of establishment. Where no such professional title exists in the country of establishment, the service provider shall indicate the service provider's formal qualification.

2) The professional title or formal qualification shall be indicated in the official language or one of the official languages of the country of establishment.

²³ Article 30(4) amended by LGBl. 2023 No. 39.

²⁴ Article 30(5) amended by LGBl. 2023 No. 39.

²⁵ Article 31 amended by LGBl. 2023 No. 39.

B. Provision of services from a third country

Article 33

Basic principle

1) Nationals of a third country and legal persons established in a third country who are entitled to take up and carry out an activity as referred to in this Act in that country may, within the scope of their entitlement, be licensed to provide temporary and occasional cross-border services in Liechtenstein if:

- a) the foreign entitlement is equivalent to the Liechtenstein entitlement to operate a business;
- b) reciprocity exists; and
- c) an address for service in Liechtenstein has been designated.

2) The service provider shall assist the Office of Economic Affairs by transmitting the necessary information with regard to the equivalence requirements and reciprocity and shall submit the following documents in particular:

- a) an attestation certifying that:
 - 1. the service provider legally carries out the activity concerned in the country of establishment; and
 - 2. the service provider is not prohibited from carrying out the activity, even temporarily, at the moment of delivering the attestation;
- b) proof of nationality;
- c) in the case of qualified trades, evidence of professional competence;
- d) proof of an address for service in Liechtenstein;
- e) if the service is related to the business of private detective or security specialist, evidence that the service provider and the service provider's employees have no prior criminal convictions.

3) If the service provider is a legal person as referred to in paragraph 1, the evidence referred to in paragraph 2(b), (c), and (e) shall be provided for the general manager or the operations manager.

4) A licence may also be granted if:

- a) the conditions for operating a business as set out in Article 11(1)(a), (b), (d), and (f) are met; and
- b) there are economic interests of Liechtenstein worthy of consideration.

5) If the service provider is a legal person in the cases referred to in paragraph 4, evidence of the conditions for operating a business as set out in Article 11(1)(a), (b), and (d) shall be provided for the general manager or the operations manager.

6) Article 21(1) and (2) shall apply *mutatis mutandis* to the procedure.

7) Any material changes from the situation substantiated in the documents presented so far shall be declared in writing to the Office of Economic Affairs without delay, enclosing the documents.

8) This Article shall be subject to provisions set out in international agreements.

V. Organisation and implementation

A. General provisions

Article 34

Enforcement

The Office of Economic Affairs shall be responsible for supervision and enforcement of this Act.

Article 35

Cooperation of domestic authorities

1) The national and municipal authorities, the courts, the Office of the Public Prosecutor, and the establishments and corporate bodies under public law shall provide the Office of Economic Affairs with all information and disclose to it all documentation that is necessary to enforce this Act.

2) The courts and the Office of the Public Prosecutor shall notify the Office of Economic Affairs without delay of the initiation and discontinuation of criminal, insolvency, or execution proceedings directed against holders of entitlements to operate a business, their general managers, or their operations managers, and shall provide it with copies of decisions to such effect without being requested to do so.

3) The Financial Market Authority shall notify the Office of Economic Affairs without delay of any notification pursuant to Article 3(3)(e) to (g) of the Due Diligence Act.

4) The Fiscal Authority shall notify the Office of Economic Affairs each year of business operators who, on the basis of the documents submitted, have not carried out any business activity for two consecutive tax years. At the request of the Office of Economic Affairs, the Fiscal Authority shall also provide information on whether the business operator has paid taxes.

5) The Office of Economic Affairs shall have the right to access by retrieval procedure the following registers to perform its duties:

- a) the Central Register of Persons; and
- b) the Liechtenstein Enterprise Register.

Article 36

Cooperation with foreign authorities

1) The Office of Economic Affairs shall disclose to a requesting competent authority of an EEA Member State and – if reciprocity exists – of Switzerland all information required by such authority to carry out its supervisory duties under business law, provided that:

- a) the sovereignty, security, public order, or other substantial national interests are not infringed;
- b) the recipients and the persons employed with and instructed by the competent foreign authority are subject to official and professional secrecy.

2) The Office of Economic Affairs may request foreign supervisory authorities to disclose all information that it requires to perform its duties under this Act.

3) Cooperation with authorities from other EEA Member States shall take place primarily through the Internal Market Information System (IMI).

B. Data protection

Article 37

Processing and disclosure of personal data

1) The Office of Economic Affairs may process or have processed personal data, including personal data relating to criminal convictions and offences, to the extent necessary to perform its duties under this Act.

2) The Office of Economic Affairs may disclose data referred to in paragraph 1:

- a) to the national and municipal authorities, establishments and corporate bodies under public law, the courts and the Office of the Public Prosecutor, as well as the Central Joint Commission, to the extent necessary for them to perform their statutory duties;
- b) the contracting parties within the meaning of the Law on the Declaration of the General Application of Collective Employment Agreements (AVEG), to the extent necessary for them to perform their duties under the AVEG;
- c) foreign authorities, in accordance with Article 36;
- d) persons requesting information, in accordance with Article 38.

3) As a rule, the data shall be disclosed in the form of an extract from the Business Register.

C. Business Register

Article 38

Keeping of the register

1) The Office of Economic Affairs shall keep an electronic register, in which the data under business law of the holders of entitlements to operate a business, the general managers, and, where applicable, the operations managers shall be entered. This shall include in particular:

- a) the personal details or the business name, registered office, and legal form of the holder of the entitlement, as well as the personal details of the general manager and of the operations manager;
- b) the address for service;
- c) the business purpose;

- d) the location of the places of business;
- e) the commencement, suspension, and termination of the entitlement;
- f) administrative measures and sanctions under administrative criminal law.

2) Cross-border service providers declared pursuant to Article 28 and licensed pursuant to Articles 30 and 33 shall also be entered in the Business Register with the data enumerated in paragraph 1.

3) Against payment of the defined fees, the Office of Economic Affairs shall on request issue register extracts and certify that there is no entry for a given entitlement to operate a business. No formal requirements shall apply to the request for information.

4) The Office of Economic Affairs may make data from the Business Register accessible to the public.

5) The Government shall provide further details governing the keeping of the Business Register by ordinance, in particular:

- a) the contents of the Business Register;
- b) the drawing up of extracts and certifications from the Business Register;
- c) the publication of register data.

D. Inspections and measures

Article 39

Inspections and duty to cooperate

1) The Office of Economic Affairs may commission or carry out inspections or searches of businesses in order to verify compliance with the provisions of this Act or the associated ordinances. The National Administration Act shall apply to the procedure.

2) The holders of entitlements to operate a business and their employees shall be under the obligation to provide the Office of Economic Affairs with all information and documentation necessary for a proper inspection.

3) If there are grounds to assume that an activity subject to this Act is being carried out without an entitlement to operate a business, the Office

of Economic Affairs may demand information and documents from the persons concerned as if these persons were subject to this Act.

Article 40

Measures

If breaches of this Act or other grievances occur, the Office of Economic Affairs shall decree the measures necessary to restore a lawful state of affairs and to remedy the grievances. In particular, the Office of Economic Affairs may:

- a) prohibit operation of the business;
- b) suspend or withdraw the entitlement to operate the business;
- c) close the operation as a whole or in part.

Article 41

Exclusion of a cross-border service provider

A service provider who repeatedly violates the duties set out in Articles 28 to 33 may be excluded by the Office of Economic Affairs from providing cross-border services for a period not exceeding one year.

E. Fees

Article 42

Fees

1) Fees shall be levied for official acts of the Office of Economic Affairs, in particular in connection with the notification and licensing of business activities and with the withdrawal of entitlements to operate a business.

2) The fees for official acts in connection with the notification and licensing of business activities and for other proceedings initiated on application shall be paid in advance.

3) Removals and suspensions of entitlements to operate a business as well as the resumption of business activity pursuant to Article 24(4) shall not be subject to fees.

4) The Government shall provide further details by ordinance governing the levy of fees.

F. Opening hours of businesses

Article 43

Opening hours

1) By ordinance, the Government shall establish the opening hours on working days for the businesses subject to this Act, in particular retail shops and petrol stations. The Government shall in particular take into account the needs of the business operators and customers as well as the public's need for peace and quiet.

2) Businesses shall in principle be kept closed on Sundays and public holidays. By ordinance, the Government shall provide any exceptions, taking into account the principles set out in paragraph 1; the Government may make the keeping open of a business subject to a licence.

3) When establishing the opening hours for businesses in the hospitality industry, the Government shall take into account the need to safeguard normal sleeping hours.

4) This Article shall be subject to the provisions of labour law.

VI. Penal provisions

Article 44

Contraventions

1) The Office of Economic Affairs shall punish with a fine of up to 20 000 Swiss francs for committing a contravention anyone who intentionally:

- a) carries out a business activity without an entitlement to operate the business;
- b) provides incorrect or misleading information to the Office of Economic Affairs or conceals material facts;
- c) provides a cross-border service without meeting the conditions set out in Articles 27, 28(1), 30, and 33;

d) fails to meet the duty to cooperate set out in Article 39(2) or (3).

2) The Office of Economic Affairs shall punish with a fine of up to 5 000 Swiss francs for committing a contravention anyone who intentionally:

- a) as a general manager as referred to in Article 17(2)(b) or as an operations manager as referred to in Article 18(2)(b) does not actually work in the undertaking in a management capacity;
- b) violates the duty to notify set out in Article 23;
- c) violates the duty to declare set out in Article 28(2) and (3) or Article 33(7);²⁶
- d) fails to comply with a demand to restore a lawful state of affairs or another decree of the Office of Economic Affairs, or fails to do so in full or in a timely manner;
- e) violates the provisions governing opening hours set out in Article 43;
- f) violates ordinance provisions, the contravention of which has been declared punishable.

3) If an offence set out in paragraphs 1 and 2 is committed negligently, the maximum penalties shall be reduced by half.

4) This Article shall be subject to punishability on the basis of other provisions of criminal law.

Article 45

Responsibility

If the violations are committed in the business operations of a legal person, a general or limited partnership, or a sole proprietorship, the penal provisions shall apply to the persons who have acted on its behalf or should have acted on its behalf, but with joint and several liability of the legal person, partnership, or sole proprietorship.

²⁶ Article 44(2)(c) amended by LGBL 2023 No. 39.

VII. Appeals

Article 46

Complaint

1) Decisions and decrees of the Office of Economic Affairs may be appealed by way of complaint to the Complaints Commission for Administrative Matters within 14 days of service.

2) Decisions of the Complaints Commission for Administrative Matters may be appealed by way of complaint to the Administrative Court within 14 days of service.

3) The provisions of the National Administration Act shall apply to the proceedings.

VIII. Transitional and final provisions

Article 47

Implementing ordinances

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

Article 48

Pending proceedings

1) The new law shall apply to applications pending at the time of entry into force of this Act.

2) The law hitherto in force shall apply to criminal proceedings pending at the time of entry into force of this Act.

Article 49

Existing entitlements to operate a business

1) Subject to paragraph 2, business licences that were lawfully granted before this Act entered into force shall remain in effect.

2) Natural and legal persons as well as general and limited partnerships whose business activities were licensed under the law hitherto in force but no longer fall within the scope of application of this Act pursuant to Article 3 may carry out their activity until 31 December 2025 at the latest.

Article 50

Duties of certain holders of entitlements to provide evidence

Holders of entitlements to operate a business who at the time this Act enters into force are subject to due diligence must provide evidence of the good repute of beneficial owners with qualifying holdings within one year of entry into force of this Act.

Article 51

Repeal of law hitherto in force

The Business Act (GewG) of 22 June 2006, LGBI. 2006 No. 184, as amended, is hereby repealed.

Article 52

Entry into force

Subject to expiry of the referendum period without a referendum being called, this Act shall enter into force on 1 January 2021, otherwise on the day following its promulgation.

Representing the Reigning Prince:

signed *Alois*

Hereditary Prince

signed *Adrian Hasler*

Prime Minister

930.1

Transitional provisions

930.1 Business Act (GewG)

Liechtenstein Law Gazette

Year 2023

No. 39

published on 7 February 2023

Law
of 1 December 2022
amending the Business Act

...

II.

Transitional provisions

1) The new law shall apply to applications and checks of professional qualifications (Article 30) pending at the time of entry into force²⁷ of this Act.

2) The law hitherto in force shall apply to criminal proceedings pending at the time of entry into force of this Act.

...

²⁷ Entry into force: 1 March 2023.