

Translation of Liechtenstein Law

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Law
of 03 October 2019
on Tokens and TT Service Providers
(Token and TT Service Provider Act; TVTG)

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

I. General provisions

Art. 1

Object and Purpose

1) This law establishes the legal framework for all transaction systems based on Trustworthy Technology and in particular governs:

- a) The basis in terms of civil law with regard to Tokens and the representation of rights through Tokens and their transfer;
- b) The supervision and rights and obligations of TT Service Providers.

2) It aims:

- a) to ensure trust in digital legal communication, in particular in the financial and economic sector and the protection of users in TT Systems;
- b) to create excellent, innovation-friendly and technology-neutral framework conditions for rendering services concerning TT Systems.

¹ Report and application, together with Comments from the Government No. 54/2019 and 93/2019

Art. 2

Definitions and designations

1) The following definitions are established for the purposes of this Act:

- a) "Trustworthy Technology (TT)": Technologies through which the integrity of Tokens, the clear assignment of Tokens to TT Identifiers and the disposal over Tokens is ensured;
- b) "TT Systems": Transaction systems which allow for the secure transfer and storage of Tokens and the rendering of services based on this by means of trustworthy technology;
- c) "Token": a piece of information on a TT System which:
 1. can represent claims or rights of memberships against a person, rights to property or other absolute or relative rights; and
 2. is assigned to one or more TT Identifiers;
- d) "TT Identifier": an identifier that allows for the clear assignment of Tokens;
- e) "TT Keys": a key that allows for disposal over Tokens;
- f) "Users": people who dispose over Tokens and/or use the TT Services;
- g) "Token Issuance": the public offering of Tokens;
- h) "Basic Information": Information about Tokens to be offered to the public, enabling the user to make a judgement about the rights and risks associated with the Tokens as well as the TT Service Providers involved;
- i) "TT Service Provider": a person who exercises one or more functions referred to in letters k to y;²
- k) "Token Issuer": a person who publicly offers the Tokens in their own name or in the name of a client;
- l) "Token Generator": a person who puts Tokens into circulation for clients and ensures the technical requirements vis-à-vis third parties for effective disposal over Tokens;³
- m) "Tokenisation Service Provider": a person who puts Tokens into circulation for clients and ensures the legal and technical

² Article 2(1) letter i amended by LGBL 2024 no. 42.

³ Article 2(1) letter l amended by LGBL 2024 no. 42.

- requirements vis-à-vis third parties for effective representation and transfer of rights via Tokens;⁴
- n) "TT Depository": a person who safeguards TT Keys or Tokens for clients;⁵
 - o) Repealed⁶
 - p) "Physical Validator": a person who ensures the enforcement of rights in accordance with the agreement, in terms of property law, represented in Tokens on TT systems;
 - q) "TT Exchange Service Provider": a person who exchanges legal tender for Crypto-Assets and vice versa as well as Crypto-Assets for Crypto-Assets against their own book;⁷
 - r) "TT Verifying Authority": a person who verifies the legal capacity and the requirements for disposal over a Token;
 - s) "TT Price Service Provider": a person who provides TT System users with aggregated price information on the basis of purchase and sale offers or completed transactions;
 - t) "TT Identity Service Provider": a person who identifies the person in possession of the right of disposal related to a Token and records it in a directory.
 - u) "TT Agent": a person who distributes or provides TT Services in Liechtenstein on a professional basis in the name of and for the account of a foreign TT Service Provider;⁸
 - v) "Token Lending Undertaking": a person who receives transferred Tokens under the condition that they can dispose of them at their own discretion or on the instructions of customers, but must transfer Tokens back after a certain period of time;⁹
 - w) "TT Trading Platform Operator": a person who operates a Crypto-Asset trading platform which brings together or facilitates the bringing together of multiple third-party purchasing and selling interests, on the platform and in accordance with its rules, in a way that results in a contract on exchanging Crypto-Assets, either for other Crypto-Assets or for a fiat currency that is legal tender;¹⁰

⁴ Article 2(1) letter m amended by LGBL 2024 no. 42.

⁵ Article 2(1) letter n amended by LGBL 2024 no. 42.

⁶ Article 2(1) letter o repealed by LGBL 2024 no. 42.

⁷ Article 2(1) letter q amended by LGBL 2024 no. 42.

⁸ Article 2(1) letter u inserted by LGBL 2021 no. 36.

⁹ Article 2(1) letter v inserted by LGBL 2024 no. 42.

¹⁰ Article 2(1) letter w inserted by LGBL 2024 no. 42.

- x) "TT Crypto-Asset Manager": a person who:¹¹
1. manages portfolios in accordance with mandates given by customers on a discretionary client-by-client basis where such portfolios include one or more Crypto-Assets; or
 2. offers or gives personalised recommendations to customers in respect of one or more transactions relating to Crypto-Assets, or the use of Crypto-Asset services;
- y) "TT Transfer Service Provider": a person who initiates the disposal of one or more Crypto-Assets from one TT Identifier to another TT Identifier on behalf of customers;¹²
- z) "Crypto-Asset": fungible Token;¹³
- z^{bis}) "Tokenisation Label": a label in the representation of rights in Tokens that makes recognisable to third parties that those rights can be transferred only by means of Tokens and that services have a debt-discharging effect only to the person possessing the right of disposal of the Token as reported by the TT System;¹⁴
- z^{ter}) "qualifying holding": a direct or indirect holding in an undertaking which represents 10% or more of the capital or of the voting rights or which makes it possible to exercise a significant influence over the management of the undertaking in which the participation is held.¹⁵

2) The designations used in this Act to denote persons and functions include persons of male and female gender.

II. Civil basis

Art. 3

Object and scope

1) This chapter governs the qualification of Tokens and their disposal on TT Systems under civil law.

¹¹ Article 2(1) letter x inserted by LGBL 2024 no. 42.

¹² Article 2(1) letter y inserted by LGBL 2024 no. 42.

¹³ Article 2(1) letter z inserted by LGBL 2024 no. 42.

¹⁴ Article 2(1) letter zbis inserted by LGBL 2024 no. 42.

¹⁵ Article 2(1) letter zter inserted by LGBL 2024 no. 42.

2) It applies if:¹⁶

- a) Tokens are put into circulation or issued by a TT Service Provider with headquarters or place of residence in Liechtenstein;
- b) parties declare its provisions to expressly apply in a legal transaction over Tokens; or
- c) Tokens are used in legal transactions by a natural or legal person with place of residence or headquarters in Liechtenstein.

3) Articles 4 to 6 and 9 also apply correspondingly to Tokens that do not represent any rights.

Art. 4

Qualification of Tokens

If Liechtenstein Law is applicable according to article 3, the Token is considered to be an asset located in Liechtenstein.

Art. 5

Power of Disposal and Right of Disposal

1) The TT Key holder has the power of disposal over the Token.

2) It is further assumed that the person possessing the power of disposal over a Token also has the right to dispose of the Token. For every previous holder of the power of disposal, it is presumed that he was the person possessing the right of disposal at the time of his ownership.

3) If someone is the holder of a power of disposal without wanting to be the person possessing the right of disposal, he can rely on the person from whom he received the Token in good faith is the person possessing the right of disposal.

Art. 6

Disposal over Tokens

1) Disposal is:

¹⁶ Article 3(2) amended by LGBL 2024 no. 42.

- a) the transfer of the right of disposal to the Token; or
 - b) the justification of a securities or a right of usufruct to a Token.
- 2) Disposal over a Token requires that:
- a) the transfer of the Token is concluded in line with the regulations of the TT System, where a restricted in rem right to a Token can also be ordered without transfer, if this is apparent to third parties and clearly establishes the time of ordering;
 - b) the transferring party and the recipient party unanimously declare that they are transferring the right of disposal to the Token or that they wish to justify a restricted in rem right; and
 - c) the transferring party is the person possessing the right of disposal pursuant to article 5; article 9 remains unaffected.
- 3) If a Token is disposed over without reason or a subsequent reason fails to exist, the revocation shall be accomplished in accordance with the provisions of the Enrichment Law (§§ 1431 et seq. ABGB).

Art. 7

Effects of Disposal

- 1) Disposal over the Token results in the disposal over the right represented by the Token.
- 2) If the legal effect under (1) does not come into force by law, the person obliged as a result of the disposal over the Token must ensure, through suitable measures, that:
- a) the disposal over a Token directly or indirectly results in the disposal over the represented right, and
 - b) a competing disposal over the represented right is excluded.
- 3) The disposal over a Token is also legally binding in the event of enforcement proceedings against the transferor and effective vis-à-vis third parties, if the transfer:
- a) was activated in the TT system prior to the commencement of the legal proceedings, or
 - b) was activated in the TT the system after the initiation of the legal proceedings and was executed on the day of the proceeding's openings, provided that the accepting party proves that he was without knowledge of the proceedings openings or would have remained without knowledge upon the exercise of due diligence.

Art. 8

Legitimacy and exemption

1) The person possessing the right of disposal reported by the TT System is considered the lawful holder of the right represented in the Token in respect of the Obligor.

2) By payment, the Obligor is withdrawn from his obligation against the person who has the power of disposal as reported by the TT system, unless he knew, or should have known with due care, that he is not the lawful owner of the right.

Art. 9

Acquisition in Good Faith

Those who receive Tokens in good faith, free of charge, for the purpose of acquiring the right of disposal or a restricted in rem right is to be protected in his acquisition, even if the transferring party was not entitled to the disposal over the Token unless the recipient party had been aware of the lack of right of disposal or should have been aware of such upon the exercise of due diligence.

Art. 9a¹⁷*Claim to compensation*

1) Anyone who suffers damage through the use of a Token because it does not meet the legal or technical requirements for the effective representation and transfer of rights via Tokens vis-à-vis third parties may demand compensation from the Tokenisation Service Provider who put that Token into circulation. The Tokenisation Service Provider shall be deemed liable if they do not prove that they had ensured the necessary legal and technical requirements for the effective representation and transfer of rights via Tokens vis-à-vis third parties.

2) Anyone who suffers damage through the use of a Token because the contractual enforcement of rights to property represented in the Token is not ensured can demand compensation from the Physical Validator who has assumed the guarantee for this Token. The Physical Validator shall be deemed liable if they cannot prove that they ensured contractual enforcement of rights to property represented in the Token.

¹⁷ Article 9a inserted by LGBl. 2024 no. 42.

Art. 10

Cancellation of Tokens

1) If a TT Key is unaccounted for or a Token is otherwise not functional, the person who possessed the right of disposal at the time of the loss or when the Token became non-functional can apply for the Token to be cancelled in non-contentious proceedings.

2) For this purpose, the applicant must convince the court of their right of disposal and the loss of the TT Key or the non-functionality of the Token.

3) The respondent is the person obliged from the right represented in the Token.

4) The declaration that a Token is non-functional shall be published without delay in the Official Journal and at the discretion of the Court of Justice in any other appropriate manner.

5) The applicant may also assert their right without the Token upon cancellation or demand the generation of a new Token at their own expense.

III. Supervision of TT Service Providers**A. General**

Art. 11

Object and scope

1) This chapter governs the registration and supervision of TT Service Providers with headquarters or place of residence in Liechtenstein and their rights and obligations.

2) It does not apply to the country, municipalities or municipal associations or public companies when acting as officials.

B. Registration of TT Service Providers

1. Obligation and requirements of registration

Art. 12

Registration obligation

1) Persons with headquarters or place of residence in Liechtenstein who intend to provide TT Services on a professional basis in Liechtenstein must apply to be entered into the TT Service Provider Register in writing (article 23) with the FMA before providing the service for the first time. This provision is subject to the inclusion of TT Service Providers in the TT Service Provider Register in accordance with articles 19a et seq.¹⁸

2) Repealed¹⁹

3) Persons with headquarters or place of residence abroad who wish to provide TT Services using automatic teller machines in Liechtenstein must apply in writing to the FMA for entry in the TT Service Provider Register before the automatic teller machines are put into operation for the first time.²⁰

Art. 13

Registration requirements

1) An entry in the TT Service Provider Register (article 23) requires the applicant to:

- a) be capable of action;
- b) be reliable (article 14);
- c) be technically suitable (article 15);
- d) have their headquarters or place of residence in Liechtenstein;
- e) have the necessary minimum capital (article 16), where appropriate;
- f) have a suitable organisational structure with defined areas of responsibility and a procedure to deal with conflicts of interest;

¹⁸ Article 12(1) amended by LGBl. 2024 no. 42.

¹⁹ Article 12(2) repealed by LGBl. 2024 no. 42.

²⁰ Article 12(3) inserted by LGBl. 2021 no. 36.

- g) have written internal proceedings and control mechanisms that are appropriate in terms of the type, scope, complexity and risks of the TT Services provided, including ensuring sufficient documentation of these mechanisms;
- h) have special internal control mechanisms (article 17), where applicable; and²¹
- i) Repealed²²
- k) if they intend to conduct activity that is subject to an additional authorisation obligation in accordance with a law pursuant to article 5(1) of the Financial Market Supervision Act, for which the corresponding authorisation is available.
 - 1a) (1) letters e to i do not apply to TT Agents.²³
 - 2) The government may rewrite the registration requirements in (1) subject to articles 14 to 17 in more detail by issuing an ordinance.

Art. 14

Reliability

- 1) A natural person is excluded from rendering a TT Service if:
 - a) they have not 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 of the Criminal Code, StGB), or have been sentenced for any other act to imprisonment of more than three years or a monetary penalty of more than 180 daily rates and the conviction has not been expunged; and²⁴
 - b) they have not been convicted in the ten years prior to their application due to severe or repeated violations of the provisions of the Law on Unfair Competition, the Consumer Protection Act or a law pursuant to article 5(1) of the Financial Market Supervision Act;
 - c) they have been subject to a futile seizure in the five years prior to application;
 - d) bankruptcy proceedings were opened in respect of them in the five years prior to application or an application to open insolvency

²¹ Article 13(1) letter h amended by LGBL 2024 no. 42.

²² Article 13(1) letter i repealed by LGBL 2024 no. 42.

²³ Article 13(1a) inserted by LGBL 2021 no. 36.

²⁴ Article 14(1) letter a amended by LGBL 2020 no. 414.

- proceedings was rejected due to insufficient assets to cover the cost;
or²⁵
- e) there is another reason which creates serious doubt concerning their reliability.

2) (1) letters a to d also applies for foreign decisions and proceedings if the underlying action is also a criminal offence pursuant to Liechtenstein law.

3) For legal persons, the requirements under (1) must be met by members of their bodies and shareholders, partners, or owners who have a qualifying holding in the legal person.²⁶

4) Repealed²⁷

Art. 15

Technical suitability

Those who are sufficiently technically qualified due to their education or prior career for the task in question shall be considered technically suitable.

Art. 16

Minimum capital

1) Applicants which intend to act as TT Service Providers pursuant to article 2(1) letters k, n, p, q and v to y must have the appropriate minimum capital or an equivalent guarantee before taking up their activity. The minimum capital shall be:²⁸

- a) for Token Issuers pursuant to article 12(1):
1. 50,000 Francs to the extent that Tokens with a total value of up to and including 5 million Francs are issued during one calendar year;
 2. 100,000 Francs, if Tokens with a total value of more than 5 million Francs up to and including 25 million Francs are issued within a period of twelve months;

²⁵ Article 14(1) letter d amended by LGBL 2020 no. 414.

²⁶ Article 14(3) amended by LGBL 2024 no. 42.

²⁷ Article 14(4) repealed by LGBL 2024 no. 42.

²⁸ Article 16(1) introductory phrase amended by LGBL 2024 no. 42.

3. 250,000 Francs to the extent that Tokens with a total value of more than 25 million Francs are issued during one calendar year;
- b) for TT Depositories: 100,000 Francs;²⁹
- c) for Token Lending Undertakings where the Tokens transferred by customers are to be regarded as third-party property in proceedings to secure rights, compulsory execution proceedings, and insolvency proceedings of the TT Service Provider and are to be segregated in favour of the customer: 100,000 Francs;³⁰
- d) for TT Exchange Service Providers:
 1. 30,000 Francs, if transactions with a total value of more than 150,000 Francs up to and including 1 million Francs are carried out within a period of twelve months;
 2. 100,000 Francs, if transactions with a total value of more than 1 million Francs are carried out within a period of twelve months;
- e) for Physical Validators:
 1. 125,000 Francs if the value of the property, the contractual enforcements of which are guaranteed by the Physical Validator, does not exceed 10 million Francs;
 2. 250,000 Francs if the value of the property, the contractual enforcements of which are guaranteed by the Physical Validator, exceeds 10 million Francs;
- f) for TT Trading Platform Operators: 150,000 Francs;³¹
- g) for TT Crypto-Asset Managers: 50,000 Francs;³²
- h) for TT Transfer Service Providers: 50,000 Francs.³³

2) The minimum capital requirements under (1) must be adhered to at all times.

3) Applicants which intend to provide multiple TT Services shall meet the highest minimum capital requirement under (1).

4) Token Lending Undertakings where the Tokens transferred by customers are not to be regarded as third-party property in proceedings to secure rights, compulsory execution proceedings, and insolvency proceedings of the TT Service Provider and are not to be segregated in favour of the customer must hold at least 10% of the equivalent value of

²⁹ Article 16(1) letter b amended by LGBL 2024 no. 42.

³⁰ Article 16(1) letter c amended by LGBL 2024 no. 42.

³¹ Article 16(1) letter f inserted by LGBL 2024 no. 42.

³² Article 16(1) letter g inserted by LGBL 2024 no. 42.

³³ Article 16(1) letter h inserted by LGBL 2024 no. 42.

the Tokens transferred by customers as own funds. They are obliged to assess their risks appropriately and hold higher own funds if necessary. In order to absorb losses from the lending business, they may fall short of this equity capital by a maximum of 50% for a maximum of six months, provided that the FMA is informed immediately of the losses and the utilisation of this exception rule. The registration application must include a confirmation from an auditor that the Token Lending Undertaking has sufficient equity capital in accordance with this paragraph for the planned business development of the following three years and the planned risk profile.³⁴

Art. 17

Special internal control mechanisms

1) Applicants which intend to act as TT Service Providers pursuant to article 2(1) letters k to y must have suitable internal control mechanisms before taking up their activity which ensure the following:³⁵

- a) for Token Issuers:
 1. disclosure of basic information (articles 30 to 38) at any time during Token Issuance and for at least ten years afterwards;
 2. the prevention of abuse with regard to the option of Token recipients waiving basic information (article 31(1)(a));
 3. the execution of Token Issuance according to the conditions of the basic information;
 4. the maintenance of the provided services in the event of interruptions during the Token Issuance (business continuity management);
 5. the suitability of the TT System used at the time of issuance for the application purposes in question;³⁶
- b) for Tokenisation Service Providers, the use of suitable measures which ensure that:³⁷
 1. the right in the Token is correctly represented during the Token's lifetime;
 2. that the disposal over a Token directly results in the disposal over the represented right;

³⁴ Article 16(4) inserted by LGBL 2024 no. 42.

³⁵ Article 17(1) introductory phrase amended by LGBL 2024 no. 42.

³⁶ Article 17(1) letter a no. 5 inserted by LGBL 2024 no. 42.

³⁷ Article 17(1) letter b introductory phrase amended by LGBL 2024 no. 42.

3. a competing disposal over the represented right are excluded both under the rules of the TT system and the provisions of applicable law;
 4. the TT System used at the time the Token is put into circulation is suitable for the application purposes in question;³⁸
- c) for TT Key Generators, the use of suitable measures which ensure that:³⁹
1. the Token is put into circulation in line with contracts in technical terms; and
 2. the TT System used at the time the Token is put into circulation is suitable for the application purposes in question;
- d) for TT Depositaries:⁴⁰
1. the establishment of suitable security measures which in particular prevent the loss or abuse of TT Keys;
 2. the separate custody of customers' TT Keys and Tokens from the own assets of the TT Depositary;⁴¹
 3. in the case of the custody of Tokens, the unambiguous allocation of Tokens to customers;⁴²
 4. if third parties are involved in the custody of TT Keys or Tokens (sub-custody), an assessment of the risks arising from sub-custody and the provision of comprehensive information to customers about these risks;⁴³
 5. the maintenance of the services in the event of interruptions (business continuity management);
 6. ongoing monitoring of whether the TT Systems used are suitable for the application purposes in question;⁴⁴
 7. in the case of outsourcing of critical services for the custody of TT Keys or Tokens to third parties, an assessment of the risks arising from outsourcing and the provision of comprehensive information to customers about these risks;⁴⁵

38 Article 17(1) letter b no. 4 inserted by LGBL 2024 no. 42.

39 Article 17(1) letter c amended by LGBL 2024 no. 42.

40 Article 17(1) letter d introductory phrase amended by LGBL 2024 no. 42.

41 Article 17(1) letter d no. 2 amended by LGBL 2024 no. 42.

42 Article 17(1) letter d no. 3 amended by LGBL 2024 no. 42.

43 Article 17(1) letter d no. 4 amended by LGBL 2024 no. 42.

44 Article 17(1) letter d no. 6 inserted by LGBL 2024 no. 42.

45 Article 17(1) letter d no. 7 inserted by LGBL 2024 no. 42.

- e) for Physical Validators, their liability in the event that rights to property guaranteed by the Physical Validator cannot be enforced in accordance with the contract;
- f) for Token Lending Undertakings:⁴⁶
 - 1. if the Tokens transferred by customers are not to be regarded as third-party property in proceedings to secure rights, compulsory execution proceedings, and insolvency proceedings of the TT Service Provider and are not to be segregated in favour of the customer: the establishment of appropriate procedures for measuring and managing risks, in particular default, price, liquidity, and interest rate risks;
 - 2. the provision to customers of comprehensive, clear and comprehensible information on conditions and risks, in particular the risk of insolvency of the Token Lending Undertaking, including the specific redemption conditions, in particular any related fees, prior to the conclusion of the contract;
 - 3. the transfer back of the Tokens that the Token Lending Undertaking may dispose of after the agreed time and to the agreed extent;
 - 4. the establishment of suitable security measures which in particular prevent the loss or abuse of TT Keys;
 - 5. the maintenance of the services in the event of interruptions (business continuity management);
 - 6. the suitability of the TT Systems used for the application purposes in question;
 - 7. in the case of simultaneous registration as a TT Depository:
 - aa) prior risk disclosure and explicit consent of the customer to the transfer of Tokens from custody to use by the Token Lending Undertaking;
 - bb) the clearly visible separation of customers' Tokens held in custody in accordance with letter d from Tokens that the Token Lending Undertaking can dispose of;
- g) for TT Exchange Service Providers:
 - 1. the disclosure of comparable market prices of the traded Tokens;
 - 2. the disclosure of the purchase and sale prices of the traded Tokens;

⁴⁶ Article 17(1) letter f amended by LGBL 2024 no. 42.

- h) for TT Verifying Authorities, the use of suitable measures which ensure that the verification services it offers are rendered reliably;
- i) for TT Price Service Providers:
 - 1. the transparency of the published prices;
 - 2. the avoidance of conflicts of interest when setting prices;
 - 3. the disclosure of information to affected users regarding transactions concerning related parties.
- k) for TT Identity Service Providers:
 - 1. the use of suitable measures that allow for the identity of the person possessing the right of disposal to be established; in doing so, it must be ensured that:
 - aa) for natural persons or representatives of legal person present in person, their identity is determined based on official photo identification or by other evidence that has been or is to be document which is just as reliable; for representatives of legal persons, it must moreover be ensured that the necessary power of representation has been determined;
 - bb) for natural persons or legal persons not present in person, other identification methods are to be applied that allow for identification equivalent to under letter aa) to be determined;
 - 2. the specific assignment of TT Identifiers to the lawful holder;
 - 3. the secure storage of customer data.
- l) for TT Trading Platform Operators:⁴⁷
 - 1. the establishment of transparent, non-discriminatory, and fair admission criteria for Crypto-Assets to be traded on the TT trading platform;
 - 2. the establishment and publication of the fee rates for the admission of Crypto-Assets to the TT trading platform;
 - 3. fair and orderly trading even under difficult market conditions, in particular the resilience of such trading, as well as sufficient capacity for all market situations and rules for suspending trading for individual Crypto-Assets or the entire platform;
 - 4. the rejection of incorrect orders or orders that violate the trading conditions;
 - 5. the maintenance of the services in the event of interruptions (business continuity management);

⁴⁷ Article 17(1) letter l inserted by LGBL 2024 no. 42.

6. the publication of all bid and ask prices, the amount of trading interest at the prices displayed via the Crypto-Asset trading platform systems, as well as the price, volume, and time of transactions. This information must be made publicly available on a continuous and non-discriminatory basis during trading hours at standard market conditions. The information must be made available to the public free of charge for at least two years no later than 15 minutes after initial publication;
 7. the establishment of procedures for the efficient settlement of transactions in Crypto-Assets and fiat currencies; in particular, transactions must be finally settled within 24 hours of conclusion;
 8. the effective detection and prevention of disruptive trading conditions or market abuse by placing, amending, or cancelling orders;
 9. the avoidance of conflicts of interest between the TT trading platform and customers and informing customers transparently about potential and actual conflicts of interest;
 10. the establishment and publication of objective, non-discriminatory, and appropriate admission criteria as well as transparent, fair, and non-discriminatory fee structures for the use of the TT trading platform;
- m) for TT Crypto-Asset Managers:⁴⁸
1. the collection of information to establish the client's knowledge and experience in relation to Crypto-Assets as well as their investment objectives, financial position, including their ability to bear losses, and their basic understanding of the risks associated with the acquisition of Crypto-Assets;
 2. the correspondence of the recommended Crypto-Assets with the client's investment objectives and risk profile;
 3. documentation of the specific advisory service;
 4. information provided to the customer about conflicts of interest, in particular whether the investment recommendation or decision was not made entirely in the customer's interests due to any personal or contractual relationship;
 5. the transparent presentation of all costs and fees as well as the disclosure of all income or profits received by the TT Crypto-Assets Manager directly or indirectly in relation to the mandate;

⁴⁸ Article 17(1) letter m inserted by LGBl. 2024 no. 42.

6. a sufficient level of the requisite specialist knowledge on the part of all persons involved in the advice provided;
- n) for TT Transfer Service Providers, a contractual agreement with third parties regarding:⁴⁹
1. the identity of the contracting parties;
 2. the modalities of the transfer and a description of the service;
 3. a description of the security systems used by the TT Transfer Service Provider;
 4. the fees to be charged by the TT Transfer Service Provider; and
 5. the applicable law.
- 2) The obligations arising from the internal control mechanisms under (1) must always be complied with.

2. Registration procedure

Art. 18

Registration application

- 1) The registration application pursuant to article 12 must include the following information and documents:
- a) name or company and address of the applicant;
 - b) information about the intended TT Service;
 - c) information about the TT Systems to be used during the planned TT Service;
 - d) information about the legal nature of the applicant, in the event that the applicant is a legal entity;
 - e) evidence that the requirements pursuant to articles 13 to 17 have been met;
 - f) further information and documents at the request of the FMA if necessary to assess the registration application.
- 2) The registration application and the information and documents under (1) may be submitted in electronic form to the FMA. The FMA may demand certificates to be submitted in the original, or be notarised or apostilled.

⁴⁹ Article 17(1) letter n inserted by LGBl. 2024 no. 42.

3) Changes in the information and facts under (1) must be reported to the FMA without delay. This notification to the FMA must be made prior to any public announcement.

4) The FMA may waive the submission of certain information and documents under (1) if it already has access to them, in particular because:

- a) Repealed⁵⁰
- b) the applicant is already registered to render another TT Service than the one he is applying for; or
- c) the application has already been registered for the same TT Service.

5) The government shall regulate the registration application in more detail, in particular the evidence under (1)(e) by means of an ordinance.

Art. 19

Entry into the TT Service Provider Register

1) Based on the complete application and the information or documents submitted, the FMA must verify whether the registration requirements have been met.

2) The FMA must decide on the full application within three months.

3) If all registration requirements have been met, the FMA must enter the applicant into the TT Service Provider Register (article 23) and inform the applicant of the entry by sending an excerpt from the TT Service Provider Register. The FMA may carry out registration subject to conditions and obligations; the conditions and obligations must be available.

4) If the registration requirements are not met, the FMA must establish this within the period specified in (2), notwithstanding a procedure according to article 46 and prohibit the exercise of the TT Service in question.

5) The TT Service applied for may only be exercised for the first time after having been entered into the TT Service Provider Register.

⁵⁰ Article 18(4) letter a repealed by LGBl. 2024 no. 42.

2a. Registration obligation and simplified registration procedure for certain TT Service Providers⁵¹

Art. 19a⁵²

Registration obligation

The following service providers that have already been issued a licence under financial market legislation and intend to provide TT Services in Liechtenstein must be entered into the TT Service Provider Register under a simplified registration procedure in accordance with article 19b before providing the service for the first time:

- a) banks with a licence under the Banking Act for activities referred to in article 2(1) letters k to y;
- b) electronic money institutions with a licence under the Electronic Money Act for activities referred to in article 2(1) letters k to n and y;
- c) central securities depositories with a licence under Regulation (EU) No 909/2014⁵³ for activities referred to in article 2(1) letters n, r to t, and y;
- d) investment firms with a licence under the Banking Act for activities referred to in article 2(1) letters k to n, q, r to t, and w to y;
- e) asset management companies with a licence under the Asset Management Act for activities referred to in article 2(1) letters m, r to t, and x;
- f) management companies with a licence under the Law concerning Specific Undertakings for Collective Investment in Transferable Securities or the Law concerning Alternative Investment Fund Managers for activities referred to in article 2(1) letters m, r to t, and x.

⁵¹ Title preceding article 19a inserted by LGBL 2024 no. 42.

⁵² Article 19a inserted by LGBL 2024 no. 42.

⁵³ Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1)

Art. 19b⁵⁴*Simplified registration procedure*

1) Service providers as referred to in article 19a must submit information and documents on the types of TT Services planned, including their marketing, to the FMA at least 40 working days before the first provision of a TT Service.

2) If the FMA has received all the information and documents in full, it must enter the service provider in the TT Service Provider Register (article 23) within 20 working days.

3) If the information and documents are incomplete or deficient, the FMA must notify the service provider immediately and grant a grace period of at most 20 additional working days for their provision.

4) Article 18(2) sentence 1, article 18(3), and article 19(3) apply *mutatis mutandis* to the simplified registration procedure.

5) The government may regulate the details of the simplified registration procedure, in particular the required information and documents, by means of an ordinance.

Art. 19c⁵⁵*Special internal control mechanisms*

TT Service Providers as referred to in article 19a must have suitable internal control mechanisms in place in accordance with article 17 when carrying out their activities.

3. Expiration and removal

Art. 20

Expiration of Registration

- 1) Registration in accordance with article 19 will expire if:
- a) the business has not commenced within a year;

⁵⁴ Article 19b inserted by LGBl. 2024 no. 42.

⁵⁵ Article 19c inserted by LGBl. 2024 no. 42.

- b) the business activity was not carried out for more than one year;
- c) the registration is waived in writing;
- d) bankruptcy proceedings have been opened in respect of the TT Service Provider with legal effect or an application to open insolvency proceedings was rejected due to insufficient assets to cover the cost; or⁵⁶
- e) the TT Service Provider's company has been deleted from the Commercial Register.

2) In justified circumstances the FMA may, upon application, extend the time-limits pursuant to (1) letters a and b.

2a) Registration in accordance with article 19a will expire if the licence expires or is withdrawn from the TT Service Provider in accordance with financial market legislation.⁵⁷

3) The revocation of a registration must be communicated in writing to the TT Service Provider in question. After becoming legally effective the revocation must be published in the Official Journal at the expense of the TT Service Provider and must be noted in the TT Service Provider Register in accordance with article 23.

Art. 21

Removal of the registration

The FMA must remove a registration pursuant to article 19 if:

- a) the registration requirements are no longer met;
- b) the FMA was not aware of significant circumstances during registration;
- c) the registration as a TT Service Provider expired due to false information or for other reasons;
- d) a TT Service Provider systematically or seriously violates its legal obligations; or
- e) a TT Service Provider does not comply with the FMA's requests to restore the lawful status in accordance with (2).

2) The FMA requests the affected TT Service Provider to restore the legal status in the cases according to (1) letters a and b, setting a time-

⁵⁶ Article 20(1) letter d amended by LGBL 2020 no. 414.

⁵⁷ Article 20(2a) inserted by LGBL 2024 no. 42.

limit of at least four weeks. If the request cannot be sent to the TT Service Provider due to a lack of delivery address or a lack of legal bodies, the invitation will be published once in the Official Journal.

3) The revocation of a registration must be communicated in writing to the TT Service Provider in question. After becoming legally effective, the revocation must be published in the Official Journal at the expense of the TT Service Provider and must be noted in the TT Service Provider Register in accordance with (23).

Art. 22

Effect of the expiration and removal of the registration

1) With the expiration or removal of the registration pursuant to articles 20 and 21, the TT Service Provider must cease activity immediately.

2) The TT Service Provider must take the necessary precautions to ensure the interests of its clients are not impaired by the discontinuation of activities, and further, inform the FMA of these precautions immediately by providing a relevant description of the same.

3) If the FMA recognises that the precautions are insufficient, it must monitor implementation, and if necessary, commission an audit office to monitor implementation. The associated costs will be borne by the affected TT Service Provider.

4. TT Service Provider Register

Art. 23

Maintenance of the TT Service Provider Register

1) The FMA must maintain a publicly accessible register in which the following information must be entered:

- a) the TT Service Providers registered in Liechtenstein, citing the date of registration;
- b) the registered TT Services pursuant to articles 12 and 19a, citing the date of the registration of the TT Service in question;⁵⁸

⁵⁸ Article 23(1) letter b amended by LGBl. 2024 no. 42.

c) the expiration or removal of the registration pursuant to articles 20 and 21.

2 The FMA must verify entries under (1) based on a notification pursuant to article 18(3) and article 19b(4) and update them immediately if necessary.⁵⁹

3) The FMA must make the TT Service Provider Register available free of charge on its website. In addition, the FMA must grant any person access to the TT Service Provider Register at its physical office location, so long as technically feasible.

5. Exercising of business activity

Art. 24

Designation Protection

1) Designations that indicate activity as a TT Service Provider, may only be used in the company, in the designation of the business purpose and in the company's advertising, by registered TT Service Providers.

2) The government can regulate the details of the designation protection by means of an ordinance.

Art. 25

Safeguarding Requirements

1) Tokens or TT Keys that a TT Service Provider holds in custody or arranges to have held in custody on a fiduciary basis or in the name of the customer shall be regarded as third-party property in proceedings to secure rights, compulsory execution proceedings, and insolvency proceedings of the TT Service Provider and shall be segregated in favour of the customer, subject to all claims of the TT Service Provider against the customer.⁶⁰

2) The segregation referred to in (1) shall also be justified if the TT Service Provider holds Tokens or TT Keys of several customers in

⁵⁹ Article 23(2) amended by LGBL 2024 no. 42.

⁶⁰ Article 25(1) amended by LGBL 2024 no. 42.

custody or arranges to have them held in custody without separation (collective custody), provided that:⁶¹

- a) the TT Service Provider has contractually undertaken to keep the Tokens or TT Keys available for the customer at all times; and
- b) the TT Service Providers' records show the share to which each customer is entitled.

2a) If the TT Service Provider holds own portfolios of Tokens and TT Keys with a third party, without separation from the portfolios of its customers, the presumption shall apply that the Tokens and TT Keys are portfolios of the customers, which are segregated in accordance with (1).⁶²

3) Upon request, during ongoing business operations, a TT Service Provider must present proof to the FMA showing that he has taken sufficient measures to comply with the requirements specified in (1). If the evidence is not provided or if the measures are insufficient, the FMA shall request that TT Service Provider furnish the necessary evidence or take suitable and necessary precautions to remedy the existing defects. This must be carried out in accordance with an appropriate deadline set by the FMA. If the supporting documents are not submitted or precautions are not taken at all, or within the time frame stipulated by the FMA, the FMA may take further measures, in particular, those set out in article 43(5).

4) In the event of execution against the user's TT Service Provider, the user may raise an objection under public law (article 20 of the Execution Act) if the execution relates to the Tokens secured in accordance with (1) or the TT Keys secured in accordance with (2). Under the same conditions, in the event of bankruptcy proceedings in respect of the assets of the TT Service Provider, the user has the right to segregation (article 41 of the Insolvency Act).⁶³

Art. 26

Storage of Records and Supporting Documents

1) TT Service Providers must keep relevant records and supporting documents for supervisory purposes for at least ten years.

2) More specific legal obligations remain unaffected.

⁶¹ Article 25(2) amended by LGBl. 2024 no. 42.

⁶² Article 25(2a) inserted by LGBl. 2024 no. 42.

⁶³ Article 25(4) amended by LGBl. 2020 no. 414.

Art. 27

Outsourcing Functions

- 1) The outsourcing of important operational functions is permitted if:
 - a) the quality of the internal control of the TT Service Provider is not significantly impacted;
 - b) the obligations of the TT Service Provider remain unchanged according to this Act; and
 - c) the registration requirements according to this Act are not undermined.
- 2) In this context, an operational function is particularly important if it, only partially fulfilled or neglected, would significantly affect the TT Service Provider's ongoing compliance with its obligations under this Act or its financial performance.
- 3) A TT Service Provider outsourcing functions must take adequate precautions to ensure that the requirements of this Act are met.
- 4) Special statutory regulations on the outsourcing of functions remain reserved.

Art. 28

Reporting obligations

- 1) TT Service Providers must inform the FMA immediately of:
 - a) all changes with regard to the registration requirements;
 - b) the cessation of business activities;
 - c) the removal of the TT Service Provider from the Commercial Register;
 - d) the existence of another reason for cancellation pursuant to article 20.
- 2) TT Service Providers must inform the FMA of all information about its business activity required to exercise supervision.
- 3) The government shall regulate reporting obligations, in particular the frequency and content of the notifications under (2) in more detail by means of an ordinance.

Art. 29⁶⁴

Repealed

6. Basic information for Token Issuance

Art. 30

Obligation to compile and publish basic information and to display the Token Issuance

Subject to (31), before issuing Tokens Token Issuers must:

- a) prepare basic information according to the following provisions;
- b) publish the basic information in an easily accessible way; and
- c) report the Token Issuance to the FMA.

Art. 31

Exceptions

1) The obligations pursuant to article 30(a) and (b) shall not apply for public offerings of Tokens if:

- a) all recipient parties demonstrably declare that they waive the basic information before acquiring the Token;
- b) the offer is geared towards fewer than 150 users;
- c) the sale price of the total issue does not exceed 5 million Francs or the corresponding equivalent in another currency; or
- d) there is already an obligation to publish qualified information about the public offering of Tokens according to other laws.

2) No additional basic information needs to be published for any later public resale of Tokens if:

- a) the basic information pursuant to article 30 has already been published; and
- b) the issuer or the person responsible for preparing the basic information has approved its use in a written agreement.

⁶⁴ Article 29 repealed by LGBl. 2024 no. 42.

Art. 32

Form and language of the basic information

- 1) Basic information must be prepared and published in a way that is easy to analyse and understand.
- 2) Basic information can be prepared and published in one or several documents.
- 3) If basic information consists of several documents, then the Token Issuer must prepare and publish a brief, easily understandable summary with information about the Token Issuer and the Tokens to be issued.
- 4) Basic information must be prepared and published in German or English.

Art. 33

Content of the basic information

- 1) Basic information must in particular include the following:
 - a) information about the Tokens to be issued and associated rights;
 - b) the name of the TT system used;
 - c) a description of the purpose and nature of the legal transaction underlying the Token Issuance;
 - d) a description of the purchase and transfer conditions for the Tokens;
 - e) information about the risks associated with purchasing the Tokens;
 - f) for the issuance of Tokens representing rights to property:⁶⁵
 1. evidence, provided especially by a registered Physical Validator, regarding ownership of the property; and
 2. a confirmation, provided especially by a registered Physical Validator, that the rights registered in the issued Tokens are also enforceable in line with the basic information.
- 2) The basic information, moreover, includes a summary, which contains brief and generally understandable essential information in the language, in which the basic information was originally prepared. The summary must also include warnings that:
 - a) it is to be understood as an overview of the subsequent basic information;

⁶⁵ Article 33(1) letter f amended by LGBl. 2024 no. 42.

- b) the recipient party must read all of the basic information before purchasing; and
- c) persons who have assumed responsibility for the summary, including its translation, or who prepare the summary or translation can only however be made liable in the event that the summary is misleading, incorrect or inconsistent if read together with other parts of the basic information.

3) The basic information must include the names and roles (and, for legal persons, the company and headquarters) of those who are responsible for the content. The basic information must include a declaration by these persons that the information is correct to the best of their knowledge and that no significant information has been left out.

4) The basic information must also include the names and roles (and, for legal persons, the company and headquarters) of those who are responsible for the technical and legal functionality of the Token.

5) The Token Issuer must put an issuance date on the basic information and ensure it cannot be amended through suitable measures.

6) The government may regulate the content of the basic information in more detail by means of an ordinance.

Art. 34

Addendum to the basic information

1) Every new material fact or every material error or inaccuracy with regard to the basic information that is determined after the basic information is first published must be named in an addendum to the basic information.

2) In addition, the summary and any translations of the summary must be supplemented by the information included in the addendum.

3) The government may regulate the addendum to the basic information in more detail by means of an ordinance.

Art. 35

Liability

1) If any facts in the basic information that is to be prepared according to this Act are incorrect or incomplete, or if the basic

information in accordance with these provisions was not prepared, the persons responsible under articles 33(3) and (4) shall be liable to every user for damages that arise as a result, provided they do not demonstrate that they took the due care of a prudent businessman when preparing the basic information. Only damage directly suffered is considered to be damage, not also loss of profit.

2) The persons named in (1) shall also be liable for their vicarious agents and for the persons they employ, provided they do not demonstrate that they took the due care according to the circumstances in their selection, instruction and supervision.

3) Liability under (1) and (2) may be neither excluded nor restricted in advance.⁶⁶

4) Liability shall only be borne for information in the summary including its translations if they are misleading, incorrect or inconsistent in connection with other parts of the basic information or do not convey all material information. The summary must include a clear warning in this respect.

Art. 36

Severability

If several persons are liable to pay compensation for a damage, each of them shall be held jointly and severally liable with the others so long as the damage is personally attributable to their own negligence and circumstances.

Art. 37

Jurisdiction

The Court of Justice shall have jurisdiction for claims of the transferee of Token regarding the legal relationship with the Token Issuer with headquarters within the country.

⁶⁶ Article 35(3) amended by LGBL 2024 no. 42.

B^{bis}. Token Issuers not subject to the registration obligation⁶⁷Art. 38a⁶⁸*Obligations*

1) Token Issuers that offer Tokens to the public in their own name are not subject to the registration obligation set out in articles 12 et seq.

2) Token Issuers that are not subject to the registration obligation must comply with the provisions of articles 30 to 38 when offering Tokens to the public.

Art. 38

Statute of limitations

Any claim for damages against the persons who are responsible in accordance with the above provisions will be barred by the statute of limitations one year from the date on which the cause of action accrues, the cause of action accruing on the date the injured party is both aware of the damage and the identity of the party liable for the damage, expiring regardless, ten years from the date of the harmful act.

C. Supervision

Art. 39

Jurisdiction

The Financial Markets Authority (FMA) is responsible for the supervision of TT Service Providers and the execution of the associated statutory provisions.

⁶⁷ Title preceding article 38a inserted by LGBL 2024 no. 42.

⁶⁸ Article 38a inserted by LGBL 2024 no. 42.

Art. 40

Official secrecy

1) The FMA, any other persons consulted by these authorities and bodies and all representatives of public authorities shall be subject to official secrecy without any time limits with respect to the confidential information that they gain knowledge of in the course of their official activities.

2) Confidential information within the scope (1) may be transmitted in accordance with this Act or special statutory provisions.

3) If bankruptcy proceedings have been opened or liquidation proceedings have been initiated in respect of a TT Service Provider by the decision of a court, confidential information which does not relate to third parties may be disclosed in civil law proceedings, provided this is necessary for the proceedings concerned.⁶⁹

4) Without prejudice to cases covered by the requirements of criminal law, the FMA, all other administrative authorities, courts and bodies, natural persons or legal entities may only use confidential information that they receive in accordance with this Act only for purposes of fulfilling their responsibilities and tasks within the scope of this Act or for purposes for which the information was given, and/or in the case of administrative and judicial proceedings that specifically relate to the fulfilment of these tasks, provided this is required to do so. If the FMA, another administrative authority, court, body, or a person transmitting information, gives its consent; then the authority receiving the information may use it for other financial market supervision purposes.

Art. 41

Cooperation Between National Authorities and Agencies

The FMA works with other competent national authorities and agencies provided this is required to fulfil its duties under this Act.

⁶⁹ Article 40(3) amended by LGBL 2020 no. 414.

Art. 42

Processing and transferring personal data

1) The FMA and other competent national authorities and agencies may process personal data, including personal data regarding criminal sentences and offences of the persons subject to this Act, or have such processed, if this is necessary in order to fulfil its duties under this Act.

2) They may send personal data to each other or other competent authorities in other EEC member states if this is necessary in order to fulfil its duties under this Act.

3) They may send personal data to the competent authorities of third-party states if the data protection requirements under chapter V of Regulation (EU) 2016/679 have been met in addition to the requirements under (2).

Art. 43

FMA duties and authorisations

1) In the course of its supervision, the FMA monitors compliance with the provisions of this Act and its associated ordinances.

2) The FMA is responsible for the following duties in particular:

- a) registering TT Service Providers and the removal of registrations;
- b) issuing information about the application of this Act or another Act listed in article 5(1) FMAG (Financial Markets Supervision Act) for clearly determined facts in connection with Trustworthy Technology;
- c) maintaining the TT Service Provider Register in accordance with article 23;
- d) the prosecution of contraventions in accordance with article 47(2).

3) The FMA has all necessary authority to perform its duties and may, in particular:

- a) require TT Service Providers to provide all information and documents required for the execution of this Act;
- b) order or carry out extraordinary audits;
- c) make decisions and ordinances;
- d) issue legally binding decisions and rulings;
- e) carry out on-site inspections of TT Service Providers; and

- f) correct false information that has been published by naming the TT Service Provider involve and issue warnings;
- g) temporarily prohibit the exercising of a TT Service.

4) If the FMA becomes aware of violations of this Act or of other deficits, it shall take the measures necessary to bring about a lawful state of affairs and to eliminate the deficits.

5) The FMA may assign an expert as its observer to a TT Service Provider if the interests of users or creditors appear to be acutely endangered by mismanagement. The external audit office appointed may be entrusted with this responsibility. The observer shall monitor the activities of the governing bodies, in particular the implementation of the measures ordered, and shall report to the FMA on an ongoing basis. The observer shall enjoy the unrestricted right to inspect the business activities and the books and files of the TT Service Provider. The cost of the supervisor must be borne by the TT Service Provider, insofar as a reasonable relationship exists between the work associated with the activity and its expenses.

6) If there is reason to assume that a person is rendering TT Services without authorisation pursuant to this Act, the FMA may demand information and documents from the person concerned if this person is a subordinate person. In urgent cases, the FMA may order the immediate cessation of the activity without prior warning and without imposing a deadline.

7) The costs incurred due to misconduct shall be borne by those responsible in accordance with article 26 of the Financial Market Supervision Act.

8) The government may regulate the details of the tasks and powers of the FMA by means of an ordinance.

Art. 44

Supervision taxes and fees

The Supervision taxes and fees are based on the Financial Market Supervision Act.

D. Proceedings and Legal Protection⁷⁰

Art. 45

Proceedings

To the extent not otherwise specified in this Act, the provisions of the National Administration Act (LVG) shall apply to proceedings.

Art. 46

Legal remedy

1) Decisions and decrees of the FMA may be appealed within 14 days of service to the FMA Complaints Commission.

2) Decisions and decrees of the FMA Complaints Commission may be appealed within 14 days of service to the Administrative Court.

Art. 46a⁷¹

Extrajudicial conciliation board

1) By ordinance, the government shall appoint a conciliation board to settle disputes between customers and TT Service Providers concerning the TT Services provided.

2) The conciliation board shall be responsible for mediating as appropriate in disputes between the parties and in this way for reaching a settlement between the parties.

3) If no settlement between the parties can be reached, then the parties shall be referred to the ordinary legal process.

4) The government may regulate the details by means of ordinance, especially concerning the organisational structure, the composition, and the procedure.

⁷⁰ Title preceding article 45 amended by LGBL 2024 no. 42.

⁷¹ Article 46a inserted by LGBL 2024 no. 42.

E. Penal Provisions

Art. 47

Misdemeanours and infractions

1) The following persons shall be penalised by the Court of Justice for misdemeanours with up to one year imprisonment or a monetary penalty of up to 360 daily rates:

- a) those who render TT Services requiring registration contrary to article 12 or article 19a;⁷²
- b) those who use a designation contrary to article 24 which suggests activity as a TT Service Provider;
- c) those whose registration as a TT Service Provider expired due to false information or other illegal matters; or
- d) those who systematically violate their legal obligations in a serious manner as a TT Service Provider.

1a) The Court of Justice shall penalise for misdemeanours with up to three months imprisonment or a monetary penalty of up to 180 daily rates any person who intentionally damages, removes, manipulates, or renders unrecognisable a Tokenisation Label in order to prevent the disposal of a Token from directly or indirectly causing the disposal of the represented right.⁷³

2) If the action does not constitute a criminal offence within the jurisdiction of the courts, TT Service Providers shall be fined by the FMA by up to 100,000 Francs due to an infraction, if:

- a) they do not comply with the minimum capital requirements under article 16;
- b) they do not have the internal control mechanisms listed in article 17 or article 19c;⁷⁴
- c) they violate the reporting obligations under article 18(3), article 19b(4), or article 28;⁷⁵
- d) they do not comply with the FMA requirements and conditions associated with registration pursuant to article 19(3);
- e) they violate the security obligations pursuant to article 25;

⁷² Article 47(1) letter a amended by LGBL 2024 no. 42.

⁷³ Article 47(1a) inserted by LGBL 2024 no. 42.

⁷⁴ Article 47(2) letter b amended by LGBL 2024 no. 42.

⁷⁵ Article 47(2) letter c amended by LGBL 2024 no. 42.

- f) they do not keep records, or keep insufficient records or do not store supporting documents contrary to article 26;
- g) they outsource important operational functions without meeting the requirements pursuant to article 27;
- h) Repealed⁷⁶
- i) they violate their obligations in connection with the preparation and publication of basic information or the display of the Token Issuance pursuant to (30) ff.;
- k) they fail to comply with a decree or order issued to them by the FMA.⁷⁷

3) The FMA must impose fines against legal persons if the infractions under (2) are committed in execution of the course of business of legal persons (offences) by persons who have either acted alone or as a member of the Administrative Board, Management Board or Supervisory Board of the legal person or another management position within the legal person, based on which they:

- a) are authorised to outwardly represent the legal person;
- b) exercise supervisory powers in a management position; or
- c) otherwise exercise significant influence over the management of the legal person.

4) For infractions under (2) committed by the employees of the legal person, even if not culpably, the legal person is also responsible if the infraction is enabled or significantly facilitated as a result of the persons named in (3) failing to take the necessary and appropriate measures to prevent such offences.

5) The responsibility of the legal person for the offence and the punishability of the persons named in (3) or the employees named in (4) due to the same offence are not mutually exclusive. The FMA may refrain from pursuing a natural person if a fine has already been imposed on a legal person for the same violation and there are no other circumstances that oppose refraining from pursuing the natural person.

6) In the event of negligent conduct, the upper penalty limits in (1) and (2) above shall be halved.

⁷⁶ Article 47(2) letter h repealed by LGBl. 2024 no. 42.

⁷⁷ Article 47(2) letter k amended by LGBl. 2024 no. 42.

Art. 48

Responsibility

Where violations are committed in the business operations of a legal person, the penal provisions shall apply to the members of management and other natural persons who acted or should have acted on its behalf. With all persons, including the legal entity, shall, however, be jointly and severally liable for monetary penalties, fines and costs.

Art. 49

Announcing sanctions; binding effect of convictions

1) The FMA may announce the imposition of lawful punishments at the expense of the party concerned if this fulfils the purpose of this Act and is proportionate.

2) A conviction under this Act shall not be binding for the civil court judge with regard to the assessment of guilt, unlawfulness and determination of damage.

IV. Transitional and final provisions

Art. 50

Transitional provisions

1) Persons who render a TT Service requiring registration pursuant to article 12 at the time that this Act comes into force undertake:

- (a) to carry out their business in accordance with (25) to (38) in doing so, they may continue to use previous designations according to (24) until the expiry of the period according to letter b without registration; and
- b) to apply for the entry into the TT Service Provider Register to the FMA within a period of twelve months after this Act comes into force; otherwise, the right to render TT Services under this Act shall expire.

2) The provisions regarding the basis for Tokens under civil law according to chapter II may also be applied by the parties for Tokens that were generated before this Act came into force according to article 3(2)(b).

3) The provisions on the basic information for Token Issuance according to articles 30 to 28 shall apply to Tokens that are publicly offered for the first time after this Act comes into force.

Art. 51

Entry into force

Provided that the referendum deadline expires unutilised this Act shall enter into force on 01 January 2020, otherwise on the day after the announcement.

Representing the Reigning Prince:

signed *Alois*

Hereditary Prince

signed *Adrian Hasler*

Prime Minister

Transitional provisions

**950.6 Law on Tokens and TT Service Providers
(Token and TT Service Provider Act; TVTG)**

Liechtenstein Legal Gazette

2021

No. 36

published on 26 January 2021

Law
of 3 December 2020
amending the
Token and TT Service Provider Act

...

II.**Transitional provision**

Persons who at the time of entry into force⁷⁸ of this Act exercise an activity as a TT Agent subject to registration pursuant to article 12 must apply in writing to the FMA for entry in the TT Service Provider Register within a period of six months after entry into force of this Act; otherwise, the right to render TT Services as a TT Agent shall expire.

...

⁷⁸ Entry into force: 1 April 2021.

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2024

No. 42

published on 30 January 2024

Law
of 6 December 2023
amending the
Token and TT Service Provider Act

...

II.**Transitional provisions**

1) TT Key Depositaries, TT Token Depositaries, and TT Protectors registered at the time of entry into force⁷⁹ of this Act do not need to register again and shall be deemed to continue to operate as TT Depositaries as referred to in article 2(1) letter n, provided they provide TT Services registered under the law hitherto in force. Designations to that effect in accordance with article 24 must be adjusted within three months of entry into force of this Act. If they intend to provide TT Services within the scope of article 2(1) letter n for which they were not registered under the law hitherto in force, they must provide the FMA in advance with evidence that they meet the requirements set out in article 17(1) letter d. If the activity as a TT Depository is no longer continued, the registration must be waived.

2) Token Generators registered at the time of the entry into force of this Act which:

- a) carry out the activity of a Tokenisation Service Provider as referred to in article 2(1) letter m may continue this activity and use the designation "Tokenisation Service Provider", provided that they:

⁷⁹ Entry into force: 1 February 2024.

1. meet the special requirements for Tokenisation Service Providers as set out in article 17(1) letter b;
 2. notify the FMA of their activities within one month of entry into force of this Act; and
 3. have completed the registration procedure with the FMA within 18 months of entry into force of this Act and are entered in the TT Service Provider Register;
- b) are still active as Token Generators may continue this activity and do not need to register again; if the activity as a Token Generator is no longer continued, the registration must be waived.
- 3) TT Key Depositaries, TT Token Depositaries, and TT Protectors registered at the time of entry into force of this Act which carry out the activity of a Token Lending Undertaking as referred to in article 2(1) letter v may continue this activity and use the designation "Token Lending Undertaking", provided that they:
- a) meet the special requirements for Token Lending Undertakings as set out in article 16(1) letter c or article 16(4) and article 17(1) letter f nos. 1 and 3 to 6 within six months of entry into force of this Act and as set out in article 17(1) letter f nos. 2 and 7 from entry into force of this Act;
 - b) notify the FMA of their activities within one month of entry into force of this Act; and
 - c) have completed the registration procedure with the FMA within 18 months of entry into force of this Act and are entered in the TT Service Provider Register.
- 4) TT Service Providers registered at the time of entry into force of this Act which:
- a) carry out the activity of a TT Trading Platform Operator as referred to in article 2(1) letter w may continue this activity and use the designation "TT Trading Platform Operator", provided that they:
 1. meet the special requirements for TT Trading Platform Operators as set out in article 16(1) letter f and article 17(1) letter l within six months of entry into force of this Act;
 2. notify the FMA of their activities within one month of entry into force of this Act; and
 3. have completed the registration procedure with the FMA within 18 months of entry into force of this Act and are entered in the TT Service Provider Register;

- b) are still active as TT Service Providers in another form may continue this activity and do not need to register again; if the activity as a TT Service Provider is no longer continued in another form, the registration must be waived.

5) Persons who, at the time of entry into force of this Act, carry out an activity that did not previously require registration, but which is subject to registration under article 12 after entry into force of this Act, are obliged, subject to (6), to:

- a) carry out their business activities in accordance with articles 25 to 28; they may continue to use previous designations as referred to in article 24 until the expiry of the period referred to in letter b, even without registration; and
- b) apply in writing to the FMA for entry in the TT Service Provider Register within a period of six months after entry into force of this Act; otherwise the authorisation to provide TT Services under this Act shall expire.

6) Service providers as referred to in article 19a which, at the time of entry into force of this Act, carry out an activity that did not previously require registration, but which is subject to registration under Article 19a after entry into force of this Act, are obliged to submit the relevant information and documents as referred to in Article 19b to the FMA within six months of entry into force of this Act. The deadline set out in article 19b(1) does not apply.

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