

## Translation of Liechtenstein Law

### Disclaimer

English is not an official language of the Principality of Liechtenstein. This translation is provided for information purposes only and has no legal force. The contents of this website have been compiled with utmost care and to the best of knowledge. However, the supplier of this website cannot assume any liability for the currency, completeness or accuracy of any of the provided pages and contents.

<b>English title:</b>	Law of 9 June 2016 on the Protection, Preservation, and Maintenance of Cultural Goods (Cultural Goods Act; KGG)
<b>Original german title:</b>	Gesetz vom 9. Juni 2016 über den Schutz, die Erhaltung und die Pflege von Kulturgütern (Kulturgütergesetz; KGG)
<b>Systematic number (LR-Nr.):</b>	445.0
<b>First publication date:</b>	19 August 2016
<b>First publication nr. (LGBl-NR):</b>	2016.270
<b>Last change date:</b>	1 January 2017
<b>Last change publication nr. (LGBl-NR):</b>	2016.270
<b>Translation date:</b>	1 January 2017

## Liechtenstein Law Gazette

Year 2016

No. 270

published on 19 August 2016

### Law of 9 June 2016 on the Protection, Preservation, and Maintenance of Cultural Goods (Cultural Goods Act)

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

#### I. General provisions

##### Article 1

###### *Object, purpose, and applicable law*

1) This Act governs the protection, preservation, and maintenance of cultural goods, including identification, study, and research.

2) It serves to implement international treaty obligations, especially:

- a) the European Cultural Convention of 19 December 1954;
- b) the European Convention of 16 January 1992 for the Protection of the Archaeological Heritage;
- c) the Convention of 3 October 1985 for the Protection of the Architectural Heritage of Europe;
- d) the Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

---

<sup>1</sup> Report and Application of the Government No. 6/2016 and Opinion of the Government No. 66/2016

3) It does not affect other provisions governing cultural goods, in particular:

- a) legislation governing the return of cultural objects unlawfully removed;
- b) building legislation;
- c) the Law of Property;
- d) the provisions of Swiss law applicable in Liechtenstein pursuant to the Customs Treaty.

## Article 2

### *Scope of application*

1) Subject to paragraphs 2 to 4, the Act applies to cultural goods that:

- a) are part of Liechtenstein's cultural heritage;
- b) are of national importance; and
- c) are located in Liechtenstein.

2) In regard to cultural goods not falling under paragraph 1, but which are cultural goods as set out in the international obligations referred to in Article 1(2), the provisions on the registration of cultural goods (Articles 31 to 39) and the protection of cultural goods in the case of damage events (Articles 51 to 54) apply, provided the cultural goods have been included in the Cultural Goods Register at the request of the owner in accordance with Article 31(1)(b).

3) Articles 4, 5, 28, 29, 30, and 54(3) apply to other cultural goods that do not fall within the scope of paragraph 1 or 2.

4) This Act does not apply to cultural goods within the meaning of the Cultural Goods Immunity Act that are only temporarily removed from abroad to Liechtenstein for exhibition purposes.

## Article 3

*Definitions and designations*

- 1) For the purposes of this Act:
- a) "cultural goods" means movable or immovable objects with archaeological, historical, artistic, architectural, scientific, social, technical, or other cultural value on religious or secular grounds;
  - b) "movable cultural goods" means cultural goods that are considered chattels as defined in Article 171 of the Law of Property, in particular:
    - 1. works of art, commodities, musical instruments, documents and deeds, manuscripts, books, written objects, scientific collections and collections of books and archive documents, images and other data, prints, coins, seals, archaeological objects, and the like;
    - 2. collections composed of several individual movable cultural goods;
  - c) "immovable cultural goods" means cultural goods that are considered real property as defined in Article 34 of the Law of Property, in particular:
    - 1. buildings and facilities, assemblies, their surroundings as well as individual building parts, components, and fittings;
    - 2. monuments, archaeological sites, and ruins;
    - 3. gardens, parks, and cemeteries;
    - 4. buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in subparagraph (b) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in subparagraph (b);
    - 5. "centres containing monuments" means centres containing a large amount of cultural property as defined in subparagraphs (b) and (c);
  - d) "cultural goods that are part of Liechtenstein's cultural heritage" means cultural goods:
    - 1. created by the individual or collective genius of nationals of the Principality of Liechtenstein; or
    - 2. created within the national territory of the Principality of Liechtenstein;
    - 3. found within the national territory of the Principality of Liechtenstein;
  - e) "registered cultural goods" means cultural goods entered in the Cultural Goods Register in accordance with Article 31;

- f) "protected cultural goods" means cultural goods protected in accordance with Article 40;
- g) "privately owned cultural goods" means cultural goods that are owned either by a natural or legal person under private law or a municipality;
- h) "archaeological cultural goods" and "architectural historical cultural goods" mean all movable and immovable remains, objects, and buildings as well as all traces of human existence giving testimony of eras and cultures for the knowledge of which archaeological and architectural studies are the most important or one of the most important scientific sources of information;
- i) "archaeological studies" means excavations and scientific studies of terrain, buildings, building sections, or building remains serving to gather and document archaeological findings and gain important insights about history, as well as all related activities. Archaeological studies also include the systematic search as well as the gathering and collecting of movable archaeological objects;
- k) "architectural historical studies" means scientific studies of architectural historical cultural goods serving to gather and document architectural historical findings and gain important insights about history, as well as all related activities;
- l) "damage event" means a damage event as defined in the Civil Protection Act, the Fire Protection Act, or the relevant international agreements (Article 1(2)).

2) The term "owner" used in this Act shall be deemed to include any person who otherwise has the power to dispose of a cultural good, unless the right of disposal of a cultural good is vested solely in the owner of the cultural good.

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

#### Article 4

##### *Treatment of cultural goods*

Cultural goods as referred to in Article 2(1), (2), and (3) shall be treated, maintained, and protected with care.

## Article 5

*Ownership of cultural goods*

Ownership and limited rights in rem to cultural goods as referred to in Article 2(1), (2), and (3) shall be determined in accordance with the provisions of the Law of Property, irrespective of their entry in the Cultural Goods Register (Article 31) and subject to Article 18.

## Article 6

*Cooperation and coordination*

1) Owners, the State, and municipalities shall cooperate in the protection, preservation, and maintenance of cultural goods as referred to in Article 2(1) and (2).

2) The national and municipal authorities shall inform the Office of Cultural Affairs in a timely manner of all procedures and measures with an impact on cultural goods as referred to in Article 2(1) and (2).

3) When carrying out their duties, the national and municipal authorities shall take into account the interests in protection, preservation, and maintenance of cultural goods as referred to in Article 2(1) and (2) and shall coordinate them with the Office of Cultural Affairs to the extent necessary.

## **II. Protection, preservation, and maintenance of cultural goods**

### **A. Measures**

## Article 7

*Basic principle*

Measures for the protection, preservation, and maintenance of cultural goods include in particular:

- a) the identification, study, and research of cultural goods in accordance with Article 15;
- b) the carrying out of archaeological and architectural historical studies in accordance with Articles 19 and 25;

- c) management of the Archaeological Perimeter in accordance with Article 23;
- d) the ordering of precautionary measures in accordance with Articles 26 to 27;
- e) the inventorying, restoration, conservation, and storage of State-owned cultural goods and the granting of access to such cultural goods in accordance with Articles 29 and 30;
- f) the entry of cultural goods in the Cultural Goods Register in accordance with Articles 31 et seq.;
- g) the placement of registered cultural goods as referred to in Article 2(1) under protection in accordance with Articles 40 et seq.;
- h) the ordering of protective measures for cultural goods in the case of damage events in accordance with Articles 51 et seq.;
- i) the carrying out of support measures, especially the payment of financial contributions in accordance with Articles 57 et seq.

#### Article 8

##### *Contractually agreed measures*

Measures for the protection, preservation, and maintenance of cultural goods shall be taken by mutual agreement of the owner of a cultural good and the Office of Cultural Affairs by way of a contract under public law, subject to Articles 9 and 10.

#### Article 9

##### *Officially decreed measures*

1) If no contract between the owner of a cultural good and the Office of Cultural Affairs is concluded under Article 8, then the Office of Cultural Affairs shall order measures for the protection, preservation, and maintenance of cultural goods by way of a decree.

2) This article does not affect the provisions on precautionary measures set out in Article 26.

## Article 10

*Exceptions*

1) No contractually agreed or officially decreed measures are necessary in the case of cultural goods that:

- a) are owned by the State;
- b) are owned by an independent or dependent corporation, establishment, or foundation under public law, as long as the goal and purpose of this Act is ensured by other legislative provisions or through an agreement with the State of Liechtenstein.

2) Movable, privately owned cultural goods may be protected only through a contract under public law.

## Article 11

*Entitlement*

Measures for the protection, preservation, and maintenance of cultural goods are taken:

- a) *ex officio*;
- b) on the application of the owners;
- c) in the case of immovable cultural goods, also on the application of the municipality where they are located.

## Article 12

*Hearing*

In the case of officially decreed measures for the protection, preservation, and maintenance of cultural goods, the owner shall be heard in advance, and in the case of contractually agreed and officially decreed measures relating to immovable cultural goods also the municipality where they are located. This article is subject to Article 26(3)(b).



## B. Discovery of cultural goods

### Article 13

#### *Notification*

1) Anyone discovering or possessing an object that might be a cultural good must immediately notify this to the Office of Cultural Affairs.

2) If objects referred to in paragraph 1 are discovered during construction or excavation work, the construction or excavation work must be stopped immediately. The site of the find may not be changed. In such cases, the notification duty under paragraph 1 also applies to the builder, the construction management, and the companies involved in the construction or excavation work.

### Article 14

#### *Prohibition of disposal*

1) Objects that may be cultural goods and parcels of land on which such objects are located may only be freely disposed of after the expiry of five working days since the notification to the Office of Cultural Affairs.

2) During this five-day period, objects or parcels of land referred to in paragraph 1 may not be sold, changed, destroyed, endangered in terms of their scope or existence, or adversely affected in terms of their value or effect without approval by the Office of Cultural Affairs.

3) After the expiry of five days, objects or parcels of land referred to in paragraph 1 may be freely disposed of, to the extent the Office of Cultural Affairs has not taken any measures in accordance with Article 15(1) by mutual agreement with the owner or ordered any precautionary measures in accordance with Article 26.

## C. Study and identification of cultural goods

### 1. In general

#### Article 15

##### *Basic principle*

1) The Office of Cultural Affairs shall study and identify objects referred to in Article 13(1) and cultural goods.

2) The study, identification, and any research of cultural goods shall be documented and published by the Office of Cultural Affairs.

#### Article 16

##### *Copyrights for studies*

1) Copyrights arising while carrying out and evaluating studies of cultural goods by employees of the Office of Cultural Affairs shall devolve to the State.

2) If third parties are involved in carrying out and evaluating studies, the copyrights shall be contractually secured for the State.

#### Article 17

##### *Funding*

1) The costs for identification, study, and research work performed by the Office of Cultural Affairs shall be borne by the State.

2) The owner of a parcel of land or a building may be obliged to make a contribution to the costs referred to in paragraph 1 if the owner has wantonly caused, thwarted, or obstructed archaeological or architectural historical studies through construction work or on other grounds.

## 2. Archaeological cultural goods

### Article 18

#### *Ownership of archaeological cultural goods*

Movable archaeological cultural goods, even if they are still hidden, and sites of archaeological finds or parts thereof that are relocated for the purpose of preservation in accordance with Article 19(2) shall be deemed the property of the State.

### Article 19

#### *Study and documentation*

1) Archaeological studies may be carried out only by the Office of Cultural Affairs or with its approval.

2) If sites of archaeological finds or parts thereof cannot be preserved or otherwise relocated and stored, then they shall be scientifically studied and documented before being destroyed.

### Article 20

#### *Obligation to tolerate*

1) Archaeological studies must be tolerated to the extent that archaeological remains are located on a parcel of land or if such remains are suspected with a high probability. The owner must be notified in advance.

2) If carrying out the archaeological studies is possible only by using neighbouring parcels of land, paragraph 1 applies *mutatis mutandis* to the owners of neighbouring parcels of land as well.

### Article 21

#### *Compensation and remuneration*

1) The owner of a parcel of land shall be entitled to compensation for damage to property arising from the archaeological studies carried out by the Office of Cultural Affairs. This shall apply to the owners of a neighbouring parcel of land in the cases referred to in Article 20(2).

2) If no agreement can be reached on compensation, then the compensation shall be determined by the Court of Justice in accordance with the provisions of the Law on the Procedure in Expropriation Cases.

3) The lawfully acting finder of archaeological cultural goods and the lawfully acting owner on whose parcel of land such cultural goods have been found shall not have a right to remuneration. Depending on the importance of the archaeological cultural goods found, the Office of Cultural Affairs may pay appropriate remuneration.

#### Article 22

##### *Use of technical aids*

The use of technical aids of any kind to search below the ground for archaeological cultural goods shall require approval by the Office of Cultural Affairs.

#### Article 23

##### *Archaeological Perimeter*

1) Parcels of land where there is reason to assume that archaeological cultural goods are hidden there shall be included in the Archaeological Perimeter by the Office of Cultural Affairs until the archaeological study is complete, provided there is no reason to carry out the study immediately.

2) The purpose of the Archaeological Perimeter is to ensure early coordination of archaeological studies and construction work in the areas included therein. When construction projects are planned and carried out on parcels of land included in the Archaeological Perimeter, the Office of Cultural Affairs shall give advice.

3) The Archaeological Perimeter shall be made accessible to the public in an appropriate manner.

4) All types of earth movements within the Archaeological Perimeter shall be notified to the Office of Cultural Affairs at least 14 days before they are carried out.

5) As part of archaeological construction monitoring, the Office of Cultural Affairs shall specify whether any archaeological studies must be carried out before the start of construction or during construction.

## Article 24

*Liability*

Anyone wantonly destroying, damaging, compromising, relocating, removing, changing, or endangering archaeological layers, finds, or objects shall be liable to the State, without prejudice to further responsibility for the damage incurred and any additional expenses caused.

**3. Architectural historical cultural goods**

## Article 25

*Basic principle*

1) Article 19 to 21 apply *mutatis mutandis* to architectural historical studies, subject to paragraph 2.

2) With the approval of the Office of Cultural Affairs, architectural historical studies may also be arranged by the owner at the owner's expense. A copy of the documentation of the architectural historical study must be provided to the Office of Cultural Affairs.

3) Anyone wantonly destroying, damaging, compromising, or changing an architectural historical cultural good must remedy any such encroachment at own expense in accordance with instructions by the Office of Cultural Affairs.

**D. Precautionary measures**

## Article 26

*Basic principle*

1) The Office of Cultural Affairs shall order precautionary measures if:

- a) there is a danger that a cultural good or a discovered object (Article 13(1)) will be damaged, lost, or removed from the country;
- b) a cultural good appears to be in need of protection but has not yet been placed under protection; or

- c) measures already ordered turn out to be insufficient.
  - 2) The following precautionary measures may be considered:
    - a) ordering the cessation of excavation or demolition work and construction activities;
    - b) prohibiting any changes or destruction of the site of an archaeological find, a cultural good, or a discovered object (Article 13(1)), irrespective of any previously granted building or demolition permit;
    - c) carrying out emergency archaeological excavations or emergency architectural historical studies;
    - d) carrying out probes and surveys;
    - e) ordering consolidation or maintenance work;
    - f) identifying, preserving, and researching a cultural good;
    - g) ordering a limitation on disposal;
    - h) storing a cultural good by the Office of Cultural Affairs.
  - 3) In cases of urgency, the Office of Cultural Affairs may:
    - a) also order precautionary measures verbally; within five working days after ordering the measure verbally, a written decree must be issued;
    - b) refrain from the hearing referred to in Article 12.

#### Article 27

##### *Effect*

- 1) The precautionary measure shall be in effect for three months.
- 2) Precautionary measures may be extended by a reasonable time, but at most by two years:
  - a) in the case of extensive archaeological or architectural historical studies;
  - b) in the case of cultural goods placed under protection.
- 3) Precautionary measures shall expire:
  - a) if they are lifted by decree before the end of their effective period;
  - b) upon expiry of the decreed effective period, which may have been extended by a reasonable time;
  - c) upon conclusion of the archaeological or architectural historical studies;
  - d) upon conclusion of a contract under public law (Article 8);

- e) upon entry into effect of a decree:
1. entering a movable cultural good in the Cultural Goods Register;  
or
  2. entering an immovable cultural good in the Cultural Goods Register or placing it under protection.
- 4) Appeals against precautionary measures shall not have suspensive effect.
- 5) An act carried out in violation of a limitation on disposal shall be null and void.

## **E. Treatment of State-owned cultural goods**

### Article 28

#### *Prohibition of sale*

- 1) Cultural goods as referred to in Article 2(1), (2), and (3) that are owned by the State or by an independent or dependent corporation, establishment, or foundation under public law may be sold only with the consent of the Government. Otherwise they are considered inalienable.
- 2) They may not be purchased in good faith or acquired through adverse possession. There is no time limit on the right to recover them.

### Article 29

#### *Inventory*

- 1) Cultural goods as referred to in Article 2(1), (2), and (3) that are owned by the State or by an independent or dependent corporation, establishment, or foundation under public law shall be inventoried by the office of the National Administration or by the independent or dependent corporation, establishment, or foundation under public law by which the cultural goods are managed and stored.
- 2) The inventory lists compiled in accordance with paragraph 1 as well as later changes and additions thereto shall be made available to the Office of Cultural Affairs.
- 3) On the basis of the inventory lists made available to it, the Office of Cultural Affairs shall verify whether the cultural goods included on the

list are covered by the scope of application of this Act (Article 2(1) and (2)). The Office of Cultural Affairs is entitled to carry out the necessary studies for that purpose.

#### Article 30

##### *Restoration, conservation, storage, and granting of access*

Cultural goods as referred to in Article 2(1), (2), and (3) that are owned by the State or by an independent or dependent corporation, establishment, or foundation under public law shall be restored, conserved, and professionally stored by the competent office, corporation, establishment, or foundation within the limits of the available resources as well as, to the extent possible, made accessible to the public.

### **F. Registration of Cultural Goods**

#### Article 31

##### *Cultural Goods Register*

1) The Office of Cultural Affairs shall keep a Cultural Goods Register which shall include:

- a) cultural goods as referred to in Article 2(1);
- b) cultural goods as referred to in Article 2(2) upon application of the owner;
- c) other cultural goods as referred to in Article 2(3) upon application of the owner and with approval by the Office of Cultural Affairs.

2) Cultural goods as referred to in paragraph 1 shall be entered individually in the Cultural Goods Register. The exceptions are:

- a) collections composed of several cultural goods. In such cases, a single entry referring to the collection is possible, with the consent of the owner;
- b) movable cultural goods that are owned by the State or by an independent or dependent corporation, establishment, or foundation under public law. In such cases, a single entry referring to the inventory list compiled in accordance with Article 29 shall suffice.



## Article 32

*Main and ancillary registers*

1) The Cultural Goods Register consists of a main register and ancillary registers.

2) The main register shall contain a precise description of every cultural good included as well as information on origin, rights of ownership and use, place of storage or location, and classification.

## Article 33

*Inclusion*

1) A cultural good is included in the Cultural Goods Register by creating an entry in the main register.

2) With the express consent of the owner, the Office of Cultural Affairs may publish the inclusion of a cultural good in the Cultural Goods Register.

*Effects*

## Article 34

*a) Basic principle*

1) The type and scope of use of a registered cultural good must not have an adverse effect on the cultural good.

2) To the extent possible, the archaeological, historical, artistic, architectural, scientific, social, technical, or other cultural values of a registered cultural good shall be secured in context and they shall not be used contrary to their traditional purpose.

## Article 35

*b) Changes*

1) The owner of a registered cultural good must notify the Office of Cultural Affairs of any intended change to the cultural good at least 14 days in advance. Changes that occur without any action on the part of the owner shall be notified immediately to the Office of Cultural Affairs.

2) Changes for the purpose of paragraph 1 shall include in particular:

- a) any change, renewal, or further development of the external or internal appearance of a cultural good;
- b) affixing of inscriptions or signs, advertisement installations, antennae, parabolic dishes, solar or photovoltaic installations, or similar installations;
- c) any change or renewal of the original substance or any replacement or exchange of original parts and materials;
- d) any change to the type or scope of use and application;
- e) any change to the place of storage;
- f) any removal abroad;
- g) any change to ownership or possession or other rights of disposal.

3) A registered cultural good may be changed if the Office of Cultural Affairs does not order any precautionary measures in accordance with Article 26 or does not initiate any procedure for placing the good under protection in accordance with Article 40 within 14 days of the notification.

4) Changes to the registered cultural goods that occur without any action on the part of the owner may be left as they are, subject to measures referred to in paragraph 3.

#### Article 36

##### *c) Obligation to provide information and tolerate*

The owner of a registered cultural good must provide the Office of Cultural Affairs with all required information regarding the cultural good and intended changes and must grant the Office of Cultural Affairs access to the cultural good where necessary.

#### *Public access*

#### Article 37

##### *a) immovable cultural goods*

1) The Cultural Goods Register is public to the extent it concerns immovable cultural goods.

2) Anyone demonstrating a *prima facie* justified interest shall have the right to be granted access to the Cultural Goods Register and to have an extract created.

3) The objection shall be excluded that someone did not know of an entry in the Cultural Goods Register.

4) By ordinance, the Government may exclude certain data from access if doing so is in the interest of data protection.

#### Article 38

##### *b) movable cultural goods*

1) The Cultural Goods Register is not public to the extent it concerns movable cultural goods.

2) With the express consent of the owner of a cultural good, however, third parties may be given access to the corresponding entries of the Cultural Goods Register and may have extracts created for them.

#### Article 39

##### *Allocation of costs*

1) The costs for keeping the Cultural Goods Register shall be borne by the State.

2) This article is subject to the levy of fees in accordance with Article 66.

### **G. Placement under protection of registered cultural goods**

#### Article 40

##### *Basic principle*

1) Placement under protection serves to keep registered cultural goods as referred to in Article 2(1), in which there is a public interest in preservation, as free from adverse effects as possible for the long term, and to secure the proper allocation of financial contributions made under this Act.

2) Placement under protection requires that the cultural good has already been included in the Cultural Goods Register or is included simultaneously.

3) Placement under protection is accomplished by an indication to that effect in the Cultural Goods Register.

#### Article 41

##### *Scope*

1) The cultural goods in their entirety are placed under protection, and in the case of immovable cultural goods also, where appropriate, their surroundings, the entire complex, and any archaeological or architectural historical objects that are still hidden.

2) The substantial and spatial scope of the placement under protection shall be set out in an appropriate manner in the contract under public law or in the decree.

3) Where justified by special circumstances, the protection of immovable cultural goods may be extended to the interior fittings.

##### *Effects*

#### Article 42

##### *a) Changes*

1) Changes as referred to in Article 35(2) to a cultural good placed under protection shall require approval by the Office of Cultural Affairs.

2) The application for approval must be submitted to the Office of Cultural Affairs at least four weeks before undertaking the intended change. Changes that occur without any action on the part of the owner must be notified immediately.

3) Where possible, approval shall be granted within four weeks after submission of the application, if doing so does not interfere with or thwart the objective of this Act and is not disadvantageous to the cultural good. The Office of Cultural Affairs shall supervise implementation of the approved changes.

4) The Office of Cultural Affairs may attach ancillary provisions to the approval and in particular require that documentation of the changes be prepared and provided to the Office of Cultural Affairs.

5) The Office of Cultural Affairs shall decree that a lawful state of affairs be restored within a reasonable period of time, under threat of execution action to that effect, if a cultural good placed under protection:

- a) is changed, destroyed, endangered in terms of its scope or existence, or adversely affected in terms of its value or effect without or contrary to approval by the Office of Cultural Affairs;
- b) sustains damage to its external or internal structures or elements due to wear and tear, deterioration or the like, with or without action on the part of the owner.

6) Any unapproved change to ownership or possession or other rights of disposal shall be null and void. The Office of Cultural Affairs shall arrange for the change to be declared null and void and shall ensure that a lawful state of affairs is restored.

7) This article shall be subject to any permits issued in accordance with building legislation. Approval in accordance with paragraph 1 may be granted in the context of the construction permit.

#### Article 43

##### *b) Obligation to provide information and tolerate*

The owner of a cultural good placed under protection shall provide the Office of Cultural Affairs with all information and shall tolerate all measures that are necessary for the monitoring of such a cultural good.

#### Article 44

##### *c) Right of first refusal*

1) The State has a right of first refusal in regard to every cultural good placed under protection.

2) If, in the case of immovable cultural goods placed under protection, the State refrains from exercising its right of first refusal, the municipality where the cultural good is located also has a right of first refusal.

3) The owner shall immediately notify the Office of Cultural Affairs of the intended sale of a cultural good placed under protection.

4) The deadline for exercising the right of first refusal shall be three months counting from the day on which the Office of Cultural Affairs learns of the intended sale.

## Article 45

*d) Expropriation*

1) In the case of a cultural good placed under protection, the State has a right of expropriation if the objective of this Act cannot be achieved in any other way.

2) Expropriation shall be governed by the provisions of the Law on the Procedure in Expropriation Cases.

## Article 46

*Distinctive marking*

1) The Office of Cultural Affairs shall label every cultural good placed under protection with a distinctive mark.

2) The form as well as the manner of distinctive mark shall be set out in the contract under public law (Article 8) or in the decree (Article 9).

3) It is impermissible:

- a) to remove the distinctive mark of a cultural good placed under protection, to render it unrecognisable, or to use it improperly;
- b) to use a mark or designation that might be confused with the distinctive mark of a cultural good placed under protection;
- c) to affix the distinctive mark of a cultural good placed under protection or a mark or designation that might be confused with it on business signs, business papers, merchandise, or the packaging thereof or to sell, keep for sale, or otherwise circulate merchandise marked in that way.

## Article 47

*Annotation in the Land Register*

1) The placement of an immovable cultural good under protection shall be noted in the Land Register on the land register folio of the parcel of land in question as an ownership restriction under public law.

2) The annotation shall be made upon application of the Office of Cultural Affairs.

3) Property transfers of parcels of lands for which such an annotation exists may be entered in the Land Register only with approval of the Office of Cultural Affairs.

## Article 48

*Inclusion in the zoning plan*

Immovable cultural goods placed under protection shall be included in the zoning plan by the municipality in which they are located.

## Article 49

*Right to acquisition*

1) The owner of a cultural good placed under protection may, within five years of the placement under protection, request that the cultural good be acquired by the State if and to the extent:

- a) the owner is affected by a measure such as expropriation; or
- b) it cannot reasonably be expected on economic grounds that the owner keep the cultural good or use it in its existing or other permissible manner, given the owner's obligation to maintain, protect, and preserve the cultural good.

2) If no agreement can be reached on compensation, then the compensation shall be determined by the Court of Justice in accordance with the provisions of the Law on the Procedure in Expropriation Cases.

## Article 50

*Change and cancellation of the placement under protection*

1) The Office of Cultural Affairs may change or cancel the placement of a cultural good under protection, either *ex officio* or upon application, if:

- a) the scope of protection has changed;
- b) the reasons for the placement under protection no longer exist; or
- c) overriding reasons of public interest so require.

2) If the placement of a cultural good under protection is changed or cancelled, the corresponding entries in the Cultural Goods Register shall be corrected, changed, or deleted. Article 65(2) applies *mutatis mutandis*.

## H. Protection of cultural goods in the case of damage events

### Article 51

#### *Basic principle*

In the case of damage events, the protection of cultural goods placed under protection and of cultural goods as referred to in Article 2(2) comprises all measures likely to prevent or mitigate the damaging effects of an event.

#### *Preventive protective measures*

### Article 52

#### *a) Responsibilities of the Office of Cultural Affairs*

1) Within the limits of the resources available for the protection of cultural goods placed under protection and of cultural goods as referred to in Article 2(2) in the case of damage events, the Office of Cultural Affairs shall be responsible for the following:

- a) marking cultural goods placed under protection and cultural goods as referred to in Article 2(2) that are in need of urgent protection in the case of damage events;
- b) planning protective measures;
- c) providing advice for the planning, construction, installation, and management of facilities for the protection of cultural goods as well as refuges intended to shelter cultural goods;
- d) training persons entrusted with protection in the case of damage events;
- e) coordinating the Protection of Cultural Property service with the other national and municipal authorities, cultural institutions, and private individuals;
- f) preparing documentation for securing cultural goods in cooperation with other competent authorities.



2) Costs and expenses incurred by the Office of Cultural Affairs in the fulfilment of its responsibilities as set out in paragraph 1(a) to (e) shall be borne by the State. The costs arising in connection with paragraph 1(f) shall be borne by the State together with the owner of the cultural good. The allocation of costs shall be determined by mutual agreement with each owner of a cultural good.

#### Article 53

##### *b) Responsibilities of the owner*

The owner of cultural goods placed under protection and of cultural goods as referred to in Article 2(2) are required to take sufficient preventive measures at their own expense or to permit such measures, in order to ensure protection in the case of a damage event.

#### Article 54

##### *Protective measures when damage events occur*

1) When a damage event occurs, the owners of cultural goods placed under protection and of cultural goods as referred to in Article 2(2), in cooperation with the Office of Cultural Affairs as well as the competent authorities under the Civil Protection Act and the Fire Protection Act, shall take and permit all appropriate measures necessary for the protection and rescue of cultural goods placed under protection.

2) If the owner is absent or inactive, measures as referred to in paragraph 1 may also be taken by the Office of Cultural Affairs or by the competent authorities under the Civil Protection Act or the Fire Protection Act.

3) Any damage to cultural goods as referred to in Article 2(1), (2), and (3) as well as costs and expenses incurred in connection with paragraphs 1 and 2 shall be borne by the owner of the cultural good. To the extent the cultural goods have been placed under protection, the State may participate in the costs and expenses. There is no legal entitlement to such participation.

4) By ordinance, the Government shall provide further details regarding protective measures when damage events occur.

## I. Support measures

### 1. Information and advice

#### Article 55

##### *Information*

The State promotes knowledge of cultural goods and their appreciation through research, teaching, and events, the activities of its cultural institutions, and publications on the cultural heritage of Liechtenstein.

#### Article 56

##### *Advice*

The Office of Cultural Affairs advises owners in regard to registration and placement under protection of cultural goods as well as in regard to the protection, preservation, and maintenance of cultural goods.

### 2. Financial contributions

#### Article 57

##### *Basic principle*

- 1) The State may participate in the eligible costs for necessary measures to protect and preserve cultural goods placed under protection.
- 2) There is no legal entitlement to financial contributions.
- 3) Financial contributions under this Act are subsidiary to other public or private support.
- 4) Ineligible costs for the protection and preservation of cultural goods placed under protection are:
  - a) costs for the acquisition of a cultural good or parcel of land on which the cultural good is located;
  - b) costs for the structural expansion of a cultural good.
- 5) The financial contributions are paid out by the Office of Cultural Affairs.

## Article 58

*Amount*

1) The amount of the financial contributions shall be at most 70% of the eligible costs. The financial contributions may be structured differently for movable and immovable cultural goods placed under protection. The financial contributions for cultural goods owned by the municipalities and for cultural goods owned by other persons may also be structured differently.

2) The amount of the financial contribution shall be determined on a case-by-case basis in accordance with the nature of the supported measures and shall be calculated according to the following criteria:

- a) significance of the object as a cultural good;
- b) costs for the protection and preservation of the characteristic elements that endow the object with its significance as a cultural good;
- c) significance of the cultural good for the cultural heritage of Liechtenstein.

3) Beyond this, the following may also be taken into account in particular:

- a) the financial impact of the necessary measures;
- b) the services provided by third parties;
- c) the material gain that the owner may derive from the measure.

4) The Government shall provide further details regarding the amount of the financial contributions by ordinance.

## Article 59

*Ancillary provisions*

Ancillary provisions may be attached to the grant of financial contributions. These ancillary provisions shall in particular serve to ensure that the cultural good is maintained professionally and protected to the best possible extent.

## Article 60

*Reclaiming and offsetting financial contributions*

The Office of Cultural Affairs shall reclaim financial contributions from the recipient, including interest, irrespective of the application of penal provisions, or offset them against other claims, if:

- a) the measures are not carried out in accordance with the requirements;
- b) the contributions are used in an improper manner;
- c) the ancillary provisions are not complied with;
- d) the protective aim of this Act is interfered with or thwarted;
- e) the placement of a cultural good under protection is lifted;
- f) the contributions were obtained by deception.

**III. Organisation and implementation****A. Organisation**

## Article 61

*Implementing authorities*

The following shall be entrusted with implementation of this Act and the associated ordinances:

- a) the Government;
- b) the Office of Cultural Affairs.

## Article 62

*Government*

The Government is responsible for:

- a) supervision of implementation of this Act and the associated ordinances;
- b) inclusion of the resources necessary for implementation of this Act in the national budget;

- c) any grant of approval for the sale of cultural goods owned by the State or by an independent or dependent corporation, establishment, or foundation under public law (Article 28(1));
- d) decisions regarding complaints against decrees or decisions of the Office of Cultural Affairs (Article 67(1));
- e) orders of forfeiture of economic advantages (Article 70(1)).

### Article 63

#### *Office of Cultural Affairs*

1) Unless otherwise determined, the Office of Cultural Affairs shall be responsible for implementation of this Act, including the international agreements referred to in Article 1(2), especially:

- a) cooperation with the owners and other authorities in the protection, preservation, and maintenance of cultural goods;
- b) the conclusion of contracts under public law and the enactment of decrees in accordance with Articles 8 and 9;
- c) the identification, study, and research of cultural goods in accordance with Article 15;
- d) the carrying out of archaeological and architectural historical studies as well as approval for the carrying out of such studies in accordance with Articles 19 et seq. and 25;
- e) approval of the use of technical aids to search below the ground for archaeological cultural goods in accordance with Article 22;
- f) management of the Archaeological Perimeter in accordance with Article 23;
- g) the ordering of precautionary measures in accordance with Articles 26 and 27;
- h) the keeping of the Cultural Goods Register in accordance with Articles 31 et seq.;
- i) the placement under protection of registered cultural goods as referred to in Article 2(1) as well as the ordering of related measures under Articles 40 et seq.;
- k) the fulfilment of responsibilities and the ordering of measures for the protection of cultural goods placed under protection and cultural goods as referred to in Article 2(2) in the case of damage events in accordance with Articles 52 and 54;
- l) information and advice in accordance with Articles 55 and 56;

- m) the payment and reclaiming of financial contributions in accordance with Articles 57 and 60;
- n) the management of an archaeological collection.

2) For the fulfilment of its responsibilities under this Act, the Office of Cultural Affairs may engage third parties.

## **B. Procedures, fees, and legal remedies**

### **1. Procedure**

#### Article 64

##### *Basic principles*

Unless otherwise provided, the procedure shall be governed by the provisions of the National Administration Act.

#### Article 65

##### *Change and cancellation of measures*

1) The measures agreed or decreed under this Act as well as entries in the Cultural Goods Register shall be corrected, changed, or deleted *ex officio* or upon application if:

- a) the actual or legal circumstances have changed;
- b) incorrectness has been demonstrated;
- c) the conditions for inclusion in the Cultural Goods Register were not met or have meanwhile ceased to apply;
- d) overriding reasons of public interest so require.

2) If annotations have been made in the Land Register pursuant to this Act (Article 47) or if parcels of land or cultural goods placed under protection have been included in the zoning plan (Article 23(3) and Article 48), then this shall likewise be corrected, changed, or deleted.

## 2. Fees

### Article 66

#### *Basic principle*

1) The Office of Cultural Affairs shall levy fees for the following official acts:

- a) the carrying out of corrections, changes, and deletions in the Cultural Goods Register, if they have been requested or caused by the owner of a cultural good;
- b) the creation of extracts from the Cultural Goods Register;
- c) the grant of approvals under this Act;
- d) the issuing of other decrees and decisions.

2) The Government shall provide further details regarding the levying of fees, especially the amount, by ordinance.

## 3. Legal remedies

### Article 67

#### *Complaint*

1) Decrees or decisions of the Office of Cultural Affairs may be appealed by way of complaint to the Government within 14 days of service.

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

3) In the complaints procedure referred to in paragraph 2, mere inappropriateness may not be claimed.

## IV. Penal provisions

### Article 68

#### *Court of Justice*

1) The Court of Justice shall convict of a contravention and sentence to a fine of up to 50,000 Swiss francs, or to imprisonment of up to six months as an alternative if the fine cannot be collected, any person who:

- a) uses technical aids of any kind to search below ground for archaeological cultural goods without approval (Article 22);
- b) carries out archaeological or architectural historical studies without approval by the Office of Cultural Affairs (Articles 19 and 25);
- c) changes, endangers, damages, destroys, or otherwise adversely affects a registered cultural good or a cultural good placed under protection (Articles 31 et seq. and 40 et seq.);
- d) brings about the payment of a financial contribution under this Act that the person is not entitled to by providing incorrect or incomplete information or by providing untrue documents or in any other way.

2) If the offence is committed negligently, the maximum sentence shall be reduced by half.

3) If the perpetrator commits the offence on a professional basis or with the intent of unjust enrichment, then the perpetrator shall be convicted of a contravention and sentenced to a fine of up to 150,000 Swiss francs, or to imprisonment of up to one year as an alternative if the fine cannot be collected.

4) This article is subject to punishment under the Criminal Code, if an offence is committed that is punishable by a stricter sentence.

### Article 69

#### *Office of Cultural Affairs*

1) If the act does not constitute an offence within the competence of the courts, then a person shall be deemed to have committed an administrative contravention and punished with a fine of up to 20,000 Swiss francs by the Office of Cultural Affairs if the person:

- a) fails to notify an object that might be a cultural good (Article 13);
- b) disposes of an object that might be a cultural good or of parcels of land on which such objects are located without approval (Article 14);



- c) fails to tolerate archaeological or architectural historical studies (Articles 20 and 25);
- d) fails to notify in advance all types of earth movements within the Archaeological Perimeter (Article 23);
- e) violates a precautionary measure ordered by the Office of Cultural Affairs (Article 26);
- f) fails to notify changes to a registered cultural good or a cultural good placed under protection (Articles 35 and 42);
- g) violates the obligation to provide information and tolerate in the case of registered cultural goods or cultural goods placed under protection (Articles 36 and 43);
- h) fails to notify the intended sale of a cultural good placed under protection (Article 44);
- i) violates the provisions on the distinctive marking of cultural goods placed under protection (Article 46);
- k) fails to take or permit preventive protective measures or protective measures when damage events occur (Articles 53 and 54);
- l) brings about an entry in the Cultural Goods Register or placement under protection of a cultural good, including changes or cancellations thereof, by providing untrue or incomplete information;
- m) violates implementing provisions of this Act, if such contraventions are declared to be punishable.

2) If the act is committed negligently, the maximum penalty shall be reduced by half.

#### Article 70

##### *Forfeiture of economic advantage*

1) If an administrative contravention is committed under Article 69 and if this results in an economic advantage, then the Government shall order the forfeiture of the economic advantage and obligate the enriched person to pay a corresponding sum of money.

2) Paragraph 1 does not apply if the economic advantage is offset by the payment of compensation for damages or other payment. To the extent the enriched person makes such payments only after the forfeiture of the economic advantage, the paid sum of money shall be reimbursed in the amount of the demonstrated payments. The amount of the economic advantage may be estimated.

3) There is a time limit of five years on the forfeiture of economic advantage after completion of the violation.

4) The procedure is governed by the provisions of the National Administration Act.

5) Unlawfully obtained pecuniary advantages from offences referred to in Article 68 may be declared forfeited in accordance with the General Part of the Criminal Code.

#### Article 71

##### *Responsibility*

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

## V. Transitional and final provisions

#### Article 72

##### *Implementing ordinances*

The Government shall issue the ordinances necessary for implementation of this Act.

#### Article 73

##### *Transitional provisions*

1) Procedures pending at the time of entry into force of this Act shall be governed by the law hitherto in force, with the proviso that the

responsibilities under the Historic Monuments Protection Act shall be exercised by the Office of Cultural Affairs.

2) All historic monuments placed under protection under the law hitherto in force shall be deemed cultural goods placed under protection for purposes of this Act and shall be entered in the Cultural Goods Register without any additional procedure and with the same scope of protection.

#### Article 74

##### *Repeal of law hitherto in force*

The Historic Monuments Protection Act of 14 June 1977, LGBL 1977 No. 39, is repealed.

#### Article 75

##### *Entry into force*

Provided that the referendum period expires without a referendum being called, this Act shall enter into force on 1 January 2017, otherwise on the day after its promulgation.

Representing the Reigning Prince:

signed *Alois*

Hereditary Prince

signed *Adrian Hasler*

Prime Minister