

## Translation of Liechtenstein Law

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<b>English title:</b>	Law of 21 June 1989 on the National Police (Police Act; PolG)
<b>Original German title:</b>	Gesetz vom 21. Juni 1989 über die Landespolizei (Polizeigesetz; PolG)
<b>Serial number (LR-Nr.):</b>	143.0
<b>First published:</b>	30 August 1989
<b>First publication no. (LGBl-Nr.):</b>	1989-048
<b>Last amended:</b>	1 April 2019
<b>Date of last amendment - publication no. (LGBl-Nr.):</b>	2019-007
<b>Translation date:</b>	26 May 2020

## Liechtenstein Law Gazette

Year 1989

No. 48

published on 30 August 1989

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### **Law** of 21 June 1989 **on the National Police (Police Act; PolG)<sup>1</sup>**

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

#### **I. General provisions**

##### Article 1

##### *Scope of application; professional and job titles*

1) This Act governs the duties, organisation, rights, and obligations of the National Police.

2) Separate rules apply to the municipal police. The municipal police and the National Police shall provide support to each other.

3) The term "police officer" refers to members of both sexes. This also applies to job titles.

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<sup>1</sup> Title amended by LGBl. 2007 No. 191.

## Article 2

*Duties*<sup>2</sup>

- 1) The National Police shall have the following duties:<sup>3</sup>
- a) it is responsible for maintaining public safety and order and takes measures to respond to imminent endangerment or arising disturbances (threat response);<sup>4</sup>
  - b) it makes preparations to avert future dangers (threat prevention);<sup>5</sup>
  - c) it conducts investigations in accordance with the Code of Criminal Procedure;<sup>6</sup>
  - d) it takes measures to prepare for the prosecution of criminal offences and to prevent criminal offences (preventive measures to combat criminal offences);<sup>7</sup>
  - e) it identifies, prevents, and combats violence in the context of sporting events;<sup>8</sup>
  - f) it monitors and regulates traffic on public roads in accordance with the Road Traffic Act and takes measures to prevent accidents;<sup>9</sup>
  - g) it ascertains the whereabouts of missing persons;<sup>10</sup>
  - h) it provides assistance in the event of accidents and disasters and takes the necessary emergency measures;<sup>11</sup>
  - i) it ensures, in accordance with the provisions of the Civil Protection Act, overall operational management and coordination of the measures ordered if an accident or a special or extraordinary situation requires the intervention of the police, fire brigade, and other organisations;<sup>12</sup>
  - k) it performs the functions of a National Central Bureau within the meaning of the Constitution of the International Criminal Police Organization (INTERPOL);<sup>13</sup>

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2 Article 2 heading amended by LGBl. 2007 No. 191.

3 Article 2(1) introductory phrase amended by LGBl. 2007 No. 191.

4 Article 2(1)(a) amended by LGBl. 2017 No. 33.

5 Article 2(1)(b) amended by LGBl. 2007 No. 191.

6 Article 2(1)(c) amended by LGBl. 2007 No. 191.

7 Article 2(1)(d) amended by LGBl. 2007 No. 191.

8 Article 2(1)(e) amended by LGBl. 2007 No. 191.

9 Article 2(1)(f) amended by LGBl. 2007 No. 191.

10 Article 2(1)(g) amended by LGBl. 2007 No. 191.

11 Article 2(1)(h) amended by LGBl. 2007 No. 191.

12 Article 2(1)(i) amended by LGBl. 2007 No. 191.

13 Article 2(1)(k) amended by LGBl. 2007 No. 191.

- l) it implements the provisions of the Schengen *acquis* applicable to Liechtenstein in accordance with national law;<sup>14</sup>
- m) as the competent authority, it is responsible for the installation, operation, security, and maintenance of the national component of the Schengen Information System (SIS);<sup>15</sup>
- n) in its capacity as the SIRENE Bureau, it is in particular the contact, coordination, and consultation point for the exchange of information in connection with alerts in the Schengen Information System (SIS) and, as such, it checks the admissibility of domestic and foreign alerts in the SIS, to the extent this is not reserved to the courts;<sup>16</sup>
- o) it acts as the National Unit for the European Police Office (EUROPOL), appoints a liaison officer, and is responsible for the implementation of the Agreement of 7 June 2013 on operational and strategic cooperation between the Principality of Liechtenstein and the European Police Office;<sup>17</sup>
- p) it protects persons who are involved in criminal proceedings relating to a serious criminal offence and are therefore particularly endangered, as well as any endangered relatives (§ 72 StGB) of such persons (witness protection);<sup>18</sup>
- p<sup>bis</sup>) it administers the nationwide 144 emergency medical services number by receiving the emergency calls, performing an initial assessment of the emergency situations reported, and dispatches the appropriate emergency service;<sup>19</sup>
- q) it carries out assignments from offices of the National Administration, administrative authorities, and courts, to the extent that police assistance is provided for in laws or ordinances or is indispensable for the implementation of laws and ordinances.<sup>20</sup>

2) The National Police shall also be responsible under this Act for identifying dangers to the existence of the State and its institutions at an early stage and for preventing and combating such dangers using the powers available to it under this Act or other legal provisions (State security). The following are deemed to be such dangers:

- a) activities aiming at a violent change in the State order;

<sup>14</sup> Article 2(1)(l) amended by LGBl. 2008 No. 274.

<sup>15</sup> Article 2(1)(m) inserted by LGBl. 2008 No. 274.

<sup>16</sup> Article 2(1)(n) inserted by LGBl. 2008 No. 274.

<sup>17</sup> Article 2(1)(o) amended by LGBl. 2013 No. 407.

<sup>18</sup> Article 2(1)(p) amended by LGBl. 2014 No. 109.

<sup>19</sup> Article 2(1)(pbis) inserted by LGBl. 2016 No. 518.

<sup>20</sup> Article 2(1)(q) inserted by LGBl. 2014 No. 109.

- b) terrorism;
- c) attacks against the State, disruption of relations with foreign countries, treason, and economic espionage;
- d) violent extremism;
- e) organised crime;
- f) preparations for illicit trafficking in arms and radioactive materials and for illicit technology transfer.<sup>21</sup>

3) The National Police shall also perform the duties assigned to it by special provisions.<sup>22</sup>

#### Article 3

##### *Position*

The National Police is an armed organisation and constitutes a special office of the National Administration within the meaning of this Act.

#### Article 4

##### *Staffing level*

Parliament shall determine the target staffing level of the National Police.

#### Article 5

##### *Equipment*

The National Police shall be uniformed, equipped, and armed by the State.

#### Article 6

##### *Deployment of foreign police forces*

1) The Government may request the deployment of police forces from other countries if the National Police is unable to perform its duties on its own. In such a case, police forces of other countries shall have the same rights

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<sup>21</sup> Article 2 amended by LGBl. 2007 No. 191.

<sup>22</sup> Article 3 amended by LGBl. 2007 No. 191.

and obligations as Liechtenstein police officers. Their measures shall be deemed to be measures of the National Police.

2) The Government may authorise the deployment of police forces in other countries, provided that a justified request is made. The deployed police force shall be subject to the rights and obligations of the country concerned.

3) The Commissioner may grant foreign police forces a traineeship with the National Police, subject to reciprocity. However, foreign police forces may not perform official acts.<sup>23</sup>

4) This article is subject to the provisions on international administrative assistance and other intergovernmental arrangements.<sup>24</sup>

## II. Organisation

### A. General provisions

#### Article 7<sup>25</sup>

##### *Structure*

The National Police, under the direction of the Commissioner, shall be divided into:

- a) the police force;
- b) the candidates;
- c) the civilian staff; and
- d) the auxiliary police.

#### Article 7a<sup>26</sup>

##### *Sovereign rights and police powers*

1) The members of the police force shall have sovereign rights and exercise police powers in order to perform their duties.

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<sup>23</sup> Article 6(3) amended by LGBl. 2018 No. 158.

<sup>24</sup> Article 6(4) inserted by LGBl. 2018 No. 158.

<sup>25</sup> Article 7 amended by LGBl. 2018 No. 158.

<sup>26</sup> Article 7a inserted by LGBl. 2018 No. 158.

2) For the duration of their temporary appointment (Article 12(1a)), the candidates shall be treated in the same way as members of the police force with regard to their rights and powers under paragraph 1.

3) The Government may provide by ordinance that civilian staff, after appropriate training and in justified cases, may have sovereign rights and exercise individual police powers.

#### Article 8

##### *Subordination*

The National Police shall be subordinated to the Government, without prejudice to the right of instruction of the competent Member of the Government according to the allocation of ministries. This article is subject to Article 20.

#### Article 9

##### *Supervision*

1) Supervision is carried out by the competent Members of the Government according to the allocation of ministries. This article is subject to Article 89 of the Constitution.

2) Supervision shall include review of the legality, appropriateness, expediency, and simplicity of the performance of duties, in particular also in the case of independent handling of affairs within the meaning of Article 78(2) of the Constitution.

3) Supervision shall be exercised by suitable means appropriate to the individual case, as a rule through reporting and inspection of files.

#### Article 10

##### *Auxiliary police<sup>27</sup>*

1) The Government may call on volunteers to provide auxiliary services in support of the National Police. The employment of these persons is subject to public law.

2) By ordinance, the Government shall set out in particular:<sup>28</sup>

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<sup>27</sup> Article 10 heading amended by LGBl. 2000 No. 255.

<sup>28</sup> Article 10(2) amended by LGBl. 2014 No. 109.

- a) the conditions governing the taking up and termination of service of auxiliary police officers;
- b) the duties and obligations as well as the status, armament, and remuneration of auxiliary police officers.

## **B. Admission and training**

### Article 11

#### *Basic principle*

1) Only Liechtenstein citizens who fulfil the minimum requirements for admission may be admitted to the National Police.

2) The Government shall set out the minimum requirements by ordinance.<sup>29</sup>

3) In exceptional, justified cases and with the prior consent of Parliament, the requirement of Liechtenstein citizenship as set out in paragraph 1 may be waived for the admission of police officers.<sup>30</sup>

### Article 12

#### *Admission*

1) Admission to the National Police shall be contingent upon successful completion of the required police academy and passing the professional examination defined by the Government.<sup>31</sup>

1a) From the time they have completed basic training until they have passed the professional examination referred to in paragraph 1, candidates shall be provisionally admitted to the National Police force as part of a traineeship and shall be deployed according to their training.<sup>32</sup>

2) Successful completion of an admission examination and basic training at a police academy for police candidates, as well as the age requirements, may be waived for the employment of police officers as specialists in leadership and specialised functions, provided that they hold a relevant degree from a university or university of applied sciences or equivalent

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<sup>29</sup> Article 11(2) amended by LGBl. 2007 No. 191.

<sup>30</sup> Article 11(3) inserted by LGBl. 2002 No. 69.

<sup>31</sup> Article 12(1) amended by LGBl. 2007 No. 191.

<sup>32</sup> Article 12(1a) inserted by LGBl. 2018 No. 158.



evidence of education. In this case, however, police-specific continuing training must be completed, for which foreign basic and continuing training institutions may also be attended.<sup>33</sup>

#### Article 13

##### *Police academy*

The Government shall provide for the basic and continuing training of the National Police. For this purpose, it may order attendance of foreign police academies.

#### Article 14

##### *Organisation and service regulations*

The Government shall set out the organisation and operations of the National Police in an ordinance. This ordinance shall in particular contain provisions on:

- a) the responsibilities of each police division;
- b) the responsibilities of police officers;
- c) the conditions and procedure for admission;
- d) the objectives of basic and continuing training;
- e) the use of police resources;
- f) uniforms, equipment, and armament.

### **C. Provisions governing employment**

#### Article 15<sup>34</sup>

##### *Basic principle*

The provisions of the State Employees Act shall apply to the employment of police officers.

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<sup>33</sup> Article 12(2) inserted by LGBl. 2000 No. 255.

<sup>34</sup> Article 15 amended by LGBl. 2008 No. 144.

## Article 16

*Incompatibility*

Judicial functions are incompatible with service in the National Police.

## Article 17

*Legal counsel*

1) The Government may appoint legal counsel to assist police officers when criminal proceedings are initiated against them for official acts.

2) The costs may be recovered in whole or in part if the person concerned is found guilty.

**III. Rights and obligations****A. General provisions**Article 18<sup>35</sup>*Performance of service*

The National Police is constantly on duty. Police officers are armed when on duty. The civilian, unarmed branches of service and the auxiliary police are exempt from this requirement, to the extent that their service is performed unarmed.

## Article 19

*Identification requirement*

1) Police officers not in uniform shall identify themselves before any official act, circumstances permitting.

2) The uniform shall be deemed identification. Police officers in uniform shall identify themselves when requested to do so in the course of an official act and when circumstances permit.

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<sup>35</sup> Article 18 amended by LGBl. 2000 No. 255.

3) Repealed<sup>36</sup>

Article 20

*Assistance to courts*

1) In their proceedings and in the execution of decisions, the courts are entitled to make use of the services of the National Police and to assign tasks to them. Under the provisions of the Code of Criminal Procedure, these rights are also vested in the Public Prosecutor.

2) The National Police shall be subordinated to the court to the extent that it is called upon to execute court orders.

**B. Principles of police action**

Article 21

*Legality*

The National Police shall perform its duties on the basis of and in accordance with legislation.

*Interventions*

Article 22

*a) Permissibility*

Without a special legislative basis, the police may intervene in freedom and property only if a serious and immediate danger or disturbance to public safety and order cannot otherwise be averted.

Article 23

*b) Proportionality*

1) Interventions must be likely to maintain or restore a lawful state of affairs.

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<sup>36</sup> Article 19(3) repealed by LGBl. 2007 No. 191.

2) They may not go beyond what is necessary to achieve the purpose pursued.

3) They may not lead to a disadvantage that is disproportionate to the purpose pursued.

Article 23a<sup>37</sup>

*Troublemaker principle*

1) Police action shall be directed against the person who directly disturbs or endangers public safety or order, or is responsible for the behaviour which leads to disturbance or endangerment.

2) If a disturbance or endangerment of public safety and order emanates directly from an animal or an object, police action shall be directed against the person who, as the owner or for another reason, exercises actual power of disposal over the animal or object.

3) Police action may be directed against persons other than those referred to in paragraphs 1 and 2 if:

- a) a serious disturbance or an imminent serious danger must be averted;
- b) measures against the obligated persons referred to in paragraphs 1 and 2 are not possible or promising in a timely manner; and
- c) the other persons can be involved without any significant endangerment to themselves and without any violation of legal interests of greater value.

Article 23b<sup>38</sup>

*Postponement of intervention*

1) The National Police may refrain from immediate intervention to the extent that there is an overriding interest:

- a) in defending against a criminal association of three or more persons who are linked by the intention of committing judicially punishable acts on an ongoing basis;
- b) in preventing or bringing to an end a crime (§ 17(1) of the Criminal Code) against life, limb, morality, freedom, or property planned or commenced by a specific person.

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<sup>37</sup> Article 23a inserted by LGBl. 2007 No. 191.

<sup>38</sup> Article 23b inserted by LGBl. 2007 No. 191.

2) Postponement of the intervention is permissible only if doing so does not involve any serious danger to life, limb, or freedom of third parties.

3) The monitoring of the transport of objects and assets in, to, from, or through Liechtenstein, in particular in connection with the illicit trafficking of narcotics, weapons, explosives, counterfeit money, or stolen goods or in connection with handling stolen goods and money laundering (controlled delivery), shall also be deemed to be a permissible postponement of the intervention.

### **C. Police powers<sup>39</sup>**

#### Article 24

##### *Establishment of identity*

1) In order to perform its duties, the National Police may stop a person, establish their identity, and clarify whether the person or vehicles or other objects in their custody are being searched for.

2) The stopped person shall, upon request, provide their personal data, present identification documents, show objects in their custody, and open vehicles and other containers for this purpose.

3) The person stopped may be brought to the police station if their identity cannot be established with certainty on the spot, or only with considerable difficulty, or if there is doubt as to the accuracy of their information, the authenticity of their identity papers, or their lawful possession of vehicles or other property.

#### Article 24a<sup>40</sup>

##### *Police identification measures*

1) The National Police may carry out police identification measures in the performance of its duties:

- a) in respect of persons whose identity cannot be established by other means, or only with considerable difficulty;

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<sup>39</sup> Heading preceding Article 24 amended by LGBI. 2007 No. 191.

<sup>40</sup> Article 24a inserted by LGBI. 2007 No. 191.

- b) in respect of persons who are urgently suspected of having committed a crime or a misdemeanour;
- c) in respect of persons who have been provisionally arrested, detained, or taken into police custody;
- d) in respect of persons who have received a final, unconditional sentence of imprisonment or against whom preventive measures have been ordered under the Criminal Code;
- e) if certain facts justify the assumption that such measures are necessary to investigate crimes and misdemeanours;
- f) in respect of persons who are removed from the country by judicial or administrative decision or against whom an entry ban has been imposed;
- g) in respect of corpses, if doing so is necessary to establish the identity of a dead person or to investigate a criminal offence.

2) Anyone made subject to police identification measures must participate in the actions required for this purpose. Article 27 shall apply to the compulsory taking of police identification measures.

3) Police identification measures may be performed on children and adolescents under the age of 14 only if the performance of duties urgently so requires.

4) Police identification measures are:

- a) the taking of fingerprints and palm prints;
- b) the taking of reference samples for the establishment of DNA profiles;
- c) the creation of images;
- d) the determination of external physical characteristics;
- e) the taking of samples of handwriting.

5) DNA samples may be analysed at foreign forensic institutes and laboratories.

6) This article is subject to police identification measures taken on the basis of special laws.

Article 24b<sup>41</sup>*Questioning and obligation to provide information*

1) The National Police may question a person about facts the knowledge of which is important for the performance of a police duty.

2) Everyone must provide the National Police with the information necessary to avert danger. The provisions of the Code of Criminal Procedure concerning the right to refuse testimony shall apply *mutatis mutandis*.

Article 24c<sup>42</sup>*Summons and enforced appearance*

1) The National Police may summon a person in writing or orally if:

- a) their personal appearance is necessary for questioning or investigation;
- b) the person is obliged to provide information; or
- c) doing so is necessary to carry out police identification measures.

2) The summons must refer to the obligation to appear and the consequences of failure to appear.

3) Anyone who does not comply with the summons without sufficient reason may be brought before the police.

4) In the case of persons underage for the purpose of criminal prosecution, the summons shall be addressed to the legal representative.

## Article 24d

*Police search*<sup>43</sup>

1) The National Police may issue an alert to search for a person whose whereabouts are unknown (search for person) if:<sup>44</sup>

- a) so required by the performance of duties referred to in Article 2(1)(q) and Article 2(3);<sup>45</sup>

<sup>41</sup> Article 24b inserted by LGBl. 2007 No. 191.

<sup>42</sup> Article 24c inserted by LGBl. 2007 No. 191.

<sup>43</sup> Article 24d heading inserted by LGBl. 2007 No. 191.

<sup>44</sup> Article 24d(1) introductory phrase inserted by LGBl. 2007 No. 191.

<sup>45</sup> Article 24d(1)(a) amended by LGBl. 2014 No. 109.

- b) there are reasonable grounds for suspecting that the person will commit or is preparing to commit a crime or misdemeanour;<sup>46</sup>
- c) the conditions for police custody (Article 24h) are met;<sup>47</sup>
- d) the person is missing.<sup>48</sup>

2) The National Police may also issue an alert to search for lost objects, vehicles, and identity documents (search for object).<sup>49</sup>

2a) The National Police may issue alerts for the purpose of performing discreet checks or specific checks on persons, vehicles, boats, aircrafts, and containers if:<sup>50</sup>

- a) there are specific reasons to believe that the person concerned is planning or committing a serious criminal offence;
- b) the overall assessment of a person, in particular on the basis of the criminal offences committed by that person in the past, gives rise to the expectation that the person will continue to commit serious criminal offences in the future; or
- c) doing so is necessary for the purpose of State security (Article 2(2)).

3) The National Police may also issue an alert in respect of the circumstances of an offence, evidence, or signal elements where the perpetrator is unknown, for the purpose of identifying interrelated aspects of the offence or identifying the perpetrator.<sup>51</sup>

4) The alerts referred to in paragraphs 1 to 3 may also be transmitted to foreign security authorities or organisations.<sup>52</sup>

5) The National Police may automatically match searches for persons with:<sup>53</sup>

- a) data from the residents' registration offices of the municipalities on persons who have registered their normal residence in Liechtenstein;
- b) data on persons newly relocating to Liechtenstein;
- c) data on persons staying in tourist accommodation (hotel inspection);
- d) data of cross-border commuters working in Liechtenstein.

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<sup>46</sup> Article 24d(1)(b) inserted by LGBl. 2007 No. 191.

<sup>47</sup> Article 24d(1)(c) inserted by LGBl. 2007 No. 191.

<sup>48</sup> Article 24d(1)(d) inserted by LGBl. 2007 No. 191.

<sup>49</sup> Article 24d(2) inserted by LGBl. 2007 No. 191.

<sup>50</sup> Article 24d(2a) inserted by LGBl. 2018 No. 158.

<sup>51</sup> Article 24d(3) inserted by LGBl. 2007 No. 191.

<sup>52</sup> Article 24d(4) inserted by LGBl. 2007 No. 191.

<sup>53</sup> Article 24d(5) amended by LGBl. 2018 No. 158.



Article 24e<sup>54</sup>*Public search*

1) The National Police may initiate a public search for a person by stating the person's details or external characteristics or by publishing the person's picture, in particular through the media, if doing so:

- a) is in the presumed interest of the person searched for, in particular in the case of missing persons;
- b) is necessary for reasons of public safety;
- c) is necessary to establish the identity of a person who is not able to give information on their identity or to establish the identity of a dead person.

2) A public search may also be disseminated via foreign media if necessary.

3) Instead of a public search, a public announcement of a person may be made for warning purposes if there is reason to believe that the person is armed or violent.

Article 24f<sup>55</sup>*Removing and keeping away persons*

1) Subject to the principle of proportionality, the National Police may temporarily remove or keep away persons from a place if:

- a) they are in serious and immediate danger;
- b) there are reasonable grounds for suspecting that they or others belonging to the same assembled group of persons endanger public safety and order;
- c) they are interfering with operations to restore or maintain public safety and order in particular by the police, fire brigade, or emergency services;
- d) they are obstructing or attempting to obstruct the performance of police duties;
- e) doing so appears necessary to protect the privacy of individuals.

2) The removal and keeping away of a person may also include the removal and keeping away of property in that person's custody.

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<sup>54</sup> Article 24e inserted by LGBl. 2007 No. 191.

<sup>55</sup> Article 24f inserted by LGBl. 2007 No. 191.

Article 24g<sup>56</sup>*Expulsion and prohibition of entry in cases of domestic violence*

1) If, on the basis of specific facts, in particular on the basis of a previous dangerous attack, it is to be assumed that a dangerous attack against life, health, or freedom is imminent, the National Police is authorised to expel a person from whom the danger emanates from a dwelling in which a person at risk lives and from the dwelling's immediate surroundings. The National Police shall inform the dangerous person and the person at risk of the area covered by the expulsion; this area shall be determined in accordance with the requirements of effective preventive protection.

2) Under the conditions set out in paragraph 1, the National Police is authorised to prohibit a person from entering an area determined in accordance with paragraph 1. If it appears absolutely necessary, the prohibition of entry may also be used to prohibit the person from being present at other places to be specified, in particular the workplace of the person at risk.

3) In the case of a prohibition on entering one's own dwelling, particular care must be taken to ensure that this intervention in the private life of the person concerned respects the principle of proportionality (Article 23). The National Police is authorised to take away all keys to the dwelling and any weapons; the National Police is obliged to give the person the opportunity to take urgently needed personal effects and to inform the person of accommodation options. If it becomes necessary for the person concerned to visit the dwelling that the person is prohibited from entering, the person may do so only in the presence of the National Police.

4) Where a person is prohibited from entering the dwelling, the National Police is obliged to demand that the person concerned specify a delivery point for the purpose of serving the lifting of the prohibition of entry or a preliminary injunction under Article 277a of the Execution Act. If the person concerned fails to specify a delivery point, the provisions applicable to the service of legal actions shall apply.

5) The National Police is also obliged to inform the person at risk about the possibility of a preliminary injunction under Article 277a of the Execution Act and about suitable support facilities. This also applies in the case of expulsion under paragraph 1 or when no prohibition of entry or expulsion ends up being ordered.

6) When documenting the order of a prohibition of entry, consideration must be given not only to the circumstances relevant to the intervention, but

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<sup>56</sup> Article 24g inserted by LGBI. 2007 No. 191.

also to those which may be relevant to proceedings under Article 277a of the Execution Act.

7) The order of a prohibition of entry must be reviewed by the Commissioner within 72 hours. For this purpose, the Commissioner may consult all institutions and bodies that can contribute to establishing the relevant facts. The Commissioner may also consult the public health officer or the physician on duty. If the Commissioner determines that the conditions for ordering a prohibition of entry are not met, the Commissioner must immediately lift the order with respect to the person concerned; the person at risk must be informed immediately that the prohibition of entry is being lifted. The lifting of the prohibition of entry and the provision of information to the person at risk must, if possible, be carried out verbally or by telephone by the National Police or in writing by personal delivery. The keys and weapons removed in accordance with paragraph 3 must be handed over to the person concerned when the prohibition of entry is lifted; in the case of an application for a preliminary injunction under Article 277a of the Execution Act, they must be deposited with the court.

8) Compliance with a prohibition of entry must be verified at least once during the first three days of its validity by the National Police. The prohibition of entry shall end upon expiry of the tenth day following the order thereof; where an application for a preliminary injunction under Article 277a of the Execution Act is filed within this period, the prohibition of entry shall end with the service of the court's decision to the respondent, but at the latest upon expiry of the twentieth day following the order of the prohibition of entry. The court must inform the National Police immediately of the filing of an application for a preliminary injunction under Article 277a of the Execution Act and of the decision thereon.

#### Article 24h<sup>57</sup>

##### *Police custody*

- 1) The National Police may temporarily take a person into custody if:
- a) doing so is necessary to protect that person or another person against a danger to life or limb or to prevent or eliminate a serious danger to public safety and order;
  - b) the person has evaded execution of a sentence of imprisonment, detention pending trial or deportation, or a preventive measure under the Criminal Code;

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<sup>57</sup> Article 24h inserted by LGBI. 2007 No. 191.

- c) doing so is necessary to ensure the enforcement of an order to remove or keep away the person (Article 24f);
- d) the person is caught in the act of violating a prohibition of entry under Article 24g.

2) Police custody may be ordered only against persons who have reached the age of 14.

3) Persons who are in police custody pursuant to paragraph 1(a) and who are recognisably in need of a medical examination shall be examined immediately by a public health officer. This applies in particular if the person is suspected of being suicidal or if there are grounds for judicial measures under Articles 11 et seq. of the Social Assistance Act.

4) The person taken into police custody shall be informed of the reason for the measure. The person shall also be given the opportunity to notify a person of trust, provided that doing so does not jeopardise the purpose of the measure.

5) Police custody shall be lifted as soon as the conditions for ordering it are no longer met, and in any case after 24 hours at the latest.

6) This article is subject to continuation of the custodial measure on the basis of other legal provisions.

#### Article 25<sup>58</sup>

##### *Search of persons*

- 1) The National Police may search a person if:
- a) doing so appears necessary under the circumstances for the protection of police officers or third parties;
  - b) the person is urgently suspected of a crime or misdemeanour;
  - c) doing so appears necessary to establish identity;
  - d) there are grounds for police custody;
  - e) the person is suspected of having items in custody which must be secured;
  - f) the person has been provisionally arrested, detained, or taken into police custody;

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<sup>58</sup> Article 25 amended by LGBl. 2007 No. 191.

- g) the person is recognisably in a state excluding the exercise of free will or is otherwise in a helpless position and the search is necessary for the protection of the person;
- h) an alert has been issued for a specific check of the person in accordance with Article 36 of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63). In doing so, it must be ensured that the discreet nature of the check is not jeopardised.<sup>59</sup>

2) The search shall be carried out as non-invasively as possible. It shall be carried out by a person of the same sex, unless the search cannot be delayed.

3) Orifices must be examined by a physician. For this purpose, the person to be searched may be forcibly taken to a physician.

4) For persons who have been provisionally arrested, detained, or taken into police custody:

- a) all articles of clothing and containers which they had with them must be searched;
- b) dangerous or suspicious objects must be removed and logged in a register.

5) The register referred to in paragraph 4(b) must be signed by the police officer and the person arrested. If the person refuses to sign, the police officer shall note this in the register.

#### Article 25a<sup>60</sup>

##### *Searches of movable property*

- 1) The police may search vehicles and other movable property if:
- a) they are in the custody of a person who may be searched pursuant to Article 25;
  - b) they are suspected of containing a person who is being held unlawfully, is helpless, or may be temporarily arrested, detained, or taken into police custody;
  - c) they are suspected of containing an object which may be secured; or
  - d) doing so is necessary to determine the origin of or ownership of vehicles or other property;

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<sup>59</sup> Article 25(1)(h) inserted by LGBl. 2018 No. 158.

<sup>60</sup> Article 25a inserted by LGBl. 2007 No. 191.

e) an alert has been issued for a specific check of the vehicle or other movable property in accordance with Article 36 of Council Decision 2007/533/JHA. In doing so, it must be ensured that the discreet nature of the check is not jeopardised.<sup>61</sup>

2) The search shall be carried out, to the extent possible, in the presence of the person who has ownership of the property. If the measure is carried out in the absence of that person, a record of the search shall be drawn up.

#### Article 25b<sup>62</sup>

##### *Entering property and search of premises*

1) The National Police may enter properties not accessible to the public if doing so is necessary for the performance of its duties.

2) The National Police may enter premises not accessible to the public and search these premises as well as properties not accessible to the public without the consent of the authorised person, if:

a) doing so is necessary:

1. to avert a serious and immediate danger to life, limb, or freedom of a person; or
2. to protect objects of considerable value;

b) a person is suspected of being there who is to be taken into police custody (Article 24h) or brought before the police (Article 24c);

c) an object is suspected of being there which must be secured to avert an immediate danger; or

d) persons are urgently suspected of arranging, preparing, or committing crimes there.

3) When searching premises, the owner of the premises or, if the owner is absent, an adult member of the owner's family, a housemate, or a neighbour shall be called in, to the extent the circumstances permit. The owner or the owner's representative shall be informed immediately of the reason for the search, to the extent that the purpose of the measure is not thereby frustrated. A record of the search shall be made.

<sup>61</sup> Article 25a(1)(e) inserted by LGBl. 2018 No. 158.

<sup>62</sup> Article 25b inserted by LGBl. 2007 No. 191.

Article 25c<sup>63</sup>*Securing of objects and assets*

1) The National Police may secure objects or assets in order to:

- a) prevent the commission of a criminal offence;
- b) avert a danger;
- c) protect the owner or rightful holder from loss or damage to the object.

2) Repealed<sup>64</sup>

3) The secured objects or assets shall be logged in a register, which shall also indicate the reason they have been secured. A copy shall be given to the person concerned on request.

4) As soon as the conditions for securing the objects or assets are no longer met, the National Police shall return the objects or assets to the entitled person.

5) A secured object may be realised or, if this is not possible, destroyed at the expense of the authorised person if:

- a) the authorised person does not collect the secured object within the set time period, despite being requested to do so;
- b) no one makes a claim in respect of the object;
- c) the object is subject to rapid depreciation; or
- d) storage of the object involves considerable cost or difficulty.

6) Any proceeds from realisation of the object shall take the place of the object realised. If the proceeds cannot be paid out to the authorised party within three years or the assets cannot be distributed, they shall be deemed forfeit.

Article 25d<sup>65</sup>*Securing, seizing, and confiscating propaganda material*

1) The National Police shall secure material, regardless of the quantity, nature, and type, that can be used for propaganda purposes and whose content makes a specific and serious call for violence against people or property.

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<sup>63</sup> Article 25c inserted by LGBl. 2007 No. 191.

<sup>64</sup> Article 25c(2) repealed by LGBl. 2019 No. 7.

<sup>65</sup> Article 25d inserted by LGBl. 2007 No. 191.

2) If there is a suspicion of a criminal offence, the National Police shall transmit the secured material to the competent prosecution authority.

3) The National Police shall seize the material secured in accordance with paragraph 1 and order its confiscation if the call for violence is specific and serious. This provision is subject to paragraph 2.

4) Where propaganda material as referred to in paragraph 1 is distributed via the internet, the National Police may, subject to paragraph 2:

- a) order the deletion of the website concerned if the propaganda material is located on a computer in Liechtenstein;
- b) issue a blocking recommendation to the Liechtenstein providers if the propaganda material is not located on a computer in Liechtenstein.

5) The confiscated material shall be destroyed, unless it can be used for instructional purposes.

#### Article 25e<sup>66</sup>

##### *Cash controls*

1) To prevent and combat money laundering and terrorist financing, the National Police may, in the context of controlling cross-border cash transactions, demand information of persons concerning the following:

- a) the person questioned;
- b) the import, export and transit of cash in the amount of at least 10 000 Swiss francs or the equivalent in a foreign currency;
- c) the origin and intended use of the cash;
- d) the beneficial owner.

2) In the case of suspicion of money laundering or terrorist financing, the National Police may also demand information if the amount of the cash imported to Liechtenstein or to be imported, transited, or exported does not reach the threshold of 10 000 Swiss francs or the equivalent in a foreign currency.

3) If incorrect information is provided or if information is withheld, the National Police may provisionally secure cash in accordance with Article 25c(3) and (4) in order to clarify whether a suspicion of a criminal offence exists.<sup>67</sup>

<sup>66</sup> Article 25e inserted by LGBl. 2011 No. 344.

<sup>67</sup> Article 25e(3) amended by LGBl. 2018 No. 158.



4) The National Police shall without delay notify all cases of suspicion to the Financial Intelligence Unit and shall report such cases to the Office of the Public Prosecutor.

5) The following shall be considered cash:

- a) cash in the form of banknotes or coins, irrespective of the currency, provided they are circulated as means of payment;
- b) transferable bearer securities, shares, bonds, cheques, and similar securities.

Article 26<sup>68</sup>

*Exclusion orders, travel restrictions, and obligations to report to the police to prevent violence in the context of sporting events*

1) The National Police may order a person who has demonstrably taken part in acts of violence against persons or property in the context of sporting events:

- a) to stay away from a precisely delimited area in the vicinity of sporting events (off-limit area) at certain times for a period not exceeding one year (exclusion order);
- b) not to travel from Liechtenstein to a specific country for a specific period of time (travel restriction) if:
  1. an exclusion order is in force against that person in accordance with subparagraph (a) and it must be assumed on the basis of that person's conduct that they will participate in acts of violence in the context of a sporting event in the country of destination; or
  2. no exclusion order is in force against that person in accordance with subparagraph (a) and, on the basis of specific and current facts, it must be assumed that the person will take part in acts of violence in the country of destination;
- c) to report to the National Police at certain times (obligation to report) if:
  1. in the last two years, the person has violated an exclusion order imposed in accordance with subparagraph (a) or a travel restriction imposed in accordance with subparagraph (b);
  2. on the basis of specific and current facts, it must be assumed that the person cannot be deterred from acts of violence in the context of sporting events by other measures; or

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<sup>68</sup> Article 26 amended by LGBl. 2007 No. 191.

3. the obligation to report appears to be less stringent than other measures in the specific case.

2) A travel restriction in accordance with paragraph 1(b) shall apply at the earliest three days before the sporting event and shall last at the latest until one day after the end of the event. For the duration of the restriction, any departure for the purpose of staying in the country of destination is prohibited. Exceptions may be granted by the National Police if the person concerned can give important reasons for the stay in the country of destination.

3) Exclusion orders, travel restrictions, and obligations to report in accordance with paragraph 1 may be imposed only on persons who have reached the age of 14.

#### Article 26a<sup>69</sup>

##### *Obligation to report and temporary deposit of travel documents to prevent serious criminal offences abroad*

1) The National Police may order a person in respect of whom there are specific reasons to believe that the person will commit a serious criminal offence abroad:

- a) to report to the National Police on certain days at certain times (obligation to report);
- b) to temporarily deposit their travel documents with the National Police.

2) Only the Commissioner may order the measures referred to in paragraph 1. The measures shall be limited to an appropriate period of time, but no longer than six months. The order may be extended once for no longer than six months.

#### Article 27

##### *Physical coercion*

Physical coercion may be used only if immediately necessary and if less serious means are not suitable.

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<sup>69</sup> Article 26a inserted by LGBl. 2018 No. 158.

Article 27a<sup>70</sup>*Restraints*

A person may be restrained only if:

- a) the person is suspected of intending to flee or to be freed;
- b) the person resists;
- c) a well-founded suspicion exists that the person will attack others or damage property of considerable value;
- d) a well-founded suspicion exists that the person will seriously injure or kill himself; or
- e) doing so is necessary under the circumstances to protect the police officer or third parties.

*Use of weapons*

## Article 28

*a) In general*

- 1) The National Police may use weapons only as a last resort.
- 2) The use of weapons must be threatened unambiguously if circumstances do not preclude doing so.

## Article 29

*b) Firearms*

The use of a firearm is lawful if:

- a) the National Police or third parties are attacked in a dangerous way or are directly threatened with a dangerous attack;
- b) persons who have committed a crime or are urgently suspected of having committed a crime seek to avoid arrest by fleeing;
- c) the National Police must assume, on the basis of reliable findings, that persons represent an imminent and serious danger to the life and limb of others and that they seek to avoid arrest by fleeing;
- d) doing so is required to free hostages;

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<sup>70</sup> Article 27a inserted by LGBl. 2007 No. 191.

- e) doing so can prevent an imminent serious crime against facilities which, if damaged, pose a particular risk to the general public.

### Article 30

#### *Rendering of assistance*

The National Police renders help and assistance to anyone injured by its deployment.

#### *Personal security checks*<sup>71</sup>

#### Article 30a<sup>72</sup>

##### *a) Persons subject to security checks*

1) In the context of State security (Article (2)), the National Police shall carry out security checks for officials of the State and third parties who participate in classified projects relating to internal and external security, when, in the context of their activities:

- a) they have regular and wide-ranging insight into Government activities or important security policy business and are able to influence them;
- b) they have regular access to internal or external security secrets or to information the disclosure of which could jeopardise the performance of essential tasks of the State;
- c) they, as contracting parties, or their employees participate in classified projects of the State or are required to be screened under confidentiality agreements;
- d) they have regular access to special categories of personal data and personal data relating to criminal convictions and offences, the disclosure of which could seriously affect the rights of personality of the persons concerned.<sup>73</sup>

2) The security check shall be carried out before the office or function is conferred or the contract is awarded. The person to be screened must agree to the security check being carried out. By ordinance, the Government may provide for a repeat of the security check in special cases.

<sup>71</sup> Heading preceding Article 30a inserted by LGBl. 2010 No. 394.

<sup>72</sup> Article 30a amended by LGBl. 2010 No. 394.

<sup>73</sup> Article 30a(1)(d) amended by LGBl. 2018 No. 382.

3) The Government shall maintain lists of the individual functions for which security checks are required.

Article 30b<sup>74</sup>

*b) Content of the security check*

1) As part of the security check, security-related data shall be collected on the conduct of life of the person concerned, in particular on their close personal and family relationships, financial situation, relationships with foreign countries, and activities that may unlawfully endanger internal or external security. No data is collected on the exercise of constitutional rights.

2) Data may be collected:

- a) from the information systems and files of the National Police;
- b) from the Criminal Register, including data subject to limited Criminal Register notification under Article 9 of the Law on the Criminal Register and the Cancellation of Judicial Convictions;
- c) from the registers of the court of execution and bankruptcy and of residents' registration offices;
- d) by obtaining information from the Office of the Public Prosecutor and the courts on pending, concluded, or suspended criminal proceedings;<sup>75</sup>
- e) through enquiries conducted by the National Police regarding the person to be checked;
- f) by interviewing third parties, with the consent of the person screened;
- g) by questioning the person concerned.

3) In the case of foreign nationals or persons residing abroad, the data referred to in paragraph 2 provided by the competent authorities of the home country or country of residence shall also be used for the assessment. In the case of persons who formerly resided abroad, the National Police may also use data referred to in paragraph 2 provided by the competent authorities of the former country of residence for the assessment.

4) The data collected in the course of the security check may be used exclusively for that purpose, with the exception of use in criminal proceedings against the person concerned.

5) The questioning referred to in paragraph 2(g) may be recorded with sound recording equipment. If it is intended not to issue the security

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<sup>74</sup> Article 30b amended by LGBl. 2010 No. 394.

<sup>75</sup> Article 30b(2)(d) amended by LGBl. 2018 No. 158.

clearance or only subject to reservations, the excerpts relevant to the decision shall be summarised at the request of the person concerned and submitted to the person for comments.

Article 30c<sup>76</sup>

*c) Performance of the security check*

1) The National Police shall inform the person screened of the result of the security check and its assessment of the security risk.

2) The person screened may, within ten days, inspect the screening documents and request correction of incorrect personal data, and, in the case of State files, request the removal of obsolete personal data or have a note of objection made, subject to Article 35s(2) of this Act and Article 57(4) of the Data Protection Act.<sup>77</sup>

3) If the security clearance is not issued or is subject to reservations, the National Police shall issue a decree at the request of the person screened.

4) The National Police shall submit its assessment of the security risk in writing to the body responsible for the election or conferral of the function. That body shall not be bound by the assessment of the National Police.

5) By ordinance, the Government shall set out details concerning performance of the security check, in particular access privileges and retention, further use, and deletion of personal data.<sup>78</sup>

*Witness protection*<sup>79</sup>

Article 30d<sup>80</sup>

*a) Admission*

The National Police may apply to the Government to admit a person to witness protection as referred to in Article 2(1)(p).

<sup>76</sup> Article 30c amended by LGBl. 2010 No. 394.

<sup>77</sup> Article 30c(2) amended by LGBl. 2018 No. 382.

<sup>78</sup> Article 30c(5) amended by LGBl. 2018 No. 382.

<sup>79</sup> Heading preceding Article 30d inserted by LGBl. 2014 No. 109.

<sup>80</sup> Article 30d amended by LGBl. 2014 No. 109.

Article 30e<sup>81</sup>*b) Construction of a new identity*

1) To the extent necessary for the protection of persons as referred to in Article 2(1)(p), the National Police may, for the purpose of constructing or maintaining a temporary new identity, request offices of the National Administration, administrative authorities, and courts or private individuals to produce or modify documents to that effect; public documents may be issued only at the request of the Member of the Government responsible for the National Police according to the allocation of ministries.

2) The documents referred to in paragraph 1 may be used in legal transactions only to the extent necessary to fulfil the purposes referred to in paragraph 1. The Member of the Government responsible for the National Police according to the allocation of ministries shall define the purpose of issuing and the scope of application of the documents in legal transactions in a mission order.

3) The National Police must document the use of the documents in legal transactions and confiscate them in case of misuse or as soon as they are no longer needed for the fulfilment of duties.

4) The National Police must instruct the person concerned about the use of the documents before the new identity is provided and that they will be withdrawn immediately in case of misuse.

5) The construction of a temporary new identity is also permitted for the requisite period of time for employees of the National Police who are mandated to protect a person in accordance with Article 2(1)(p). Paragraphs 1 to 4 shall apply *mutatis mutandis*.

Article 30f<sup>82</sup>*c) Blocking of data disclosure; obligation to notify and hand over<sup>83</sup>*

The National Police may require the offices of the National Administration, administrative authorities, and courts as well as private individuals:

- a) not to disclose certain personal data of persons referred to in Article 2(1)(p), to the extent that the existing technical possibilities allow; when processing personal data, these offices, authorities, courts, and private

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<sup>81</sup> Article 30e amended by LGBl. 2014 No. 109.

<sup>82</sup> Article 30f amended by LGBl. 2014 No. 109.

<sup>83</sup> Article 30f heading amended by LGBl. 2018 No. 382.

individuals shall ensure that such processing does not interfere with the protection of witnesses;<sup>84</sup>

- b) to notify the National Police without delay of identified requests for information concerning persons referred to in Article 2(1)(p);
- c) to provide the National Police on request with extracts from the search logs of automated information systems which document searches made regarding persons referred to in Article 2(1)(p).

Article 30g<sup>85</sup>

*d) Involvement of third parties*

Where necessary, the National Police may involve private security companies in the protection of persons and property.

### **IIIa. Compensation for damages and reimbursement of costs<sup>86</sup>**

Article 30h<sup>87</sup>

*Official liability*

The provisions on official liability apply to compensation for damages caused by police officers in the performance of their service.

Article 30i<sup>88</sup>

*Compensation for damages*

- 1) Persons are entitled to compensation for damages caused by:
- a) the postponement of intervention of the National Police (Article 23b), to the extent that the damage could otherwise have been prevented;

<sup>84</sup> Article 30f(a) amended by LGBl. 2018 No. 382.

<sup>85</sup> Article 30g inserted by LGBl. 2014 No. 109.

<sup>86</sup> Heading preceding Article 30h inserted by LGBl. 2014 No. 109.

<sup>87</sup> Article 30h inserted by LGBl. 2014 No. 109.

<sup>88</sup> Article 30i inserted by LGBl. 2014 No. 109.



- b) the use of documents which mislead as to the identity of a person (Articles 30e and 34a), provided that such use was not caused by unlawful conduct on the part of the claimant;
  - c) their assistance in carrying out duties of the National Police.
- 2) The State shall have recourse to third parties who are liable for the damage.
- 3) No compensation for damages shall be paid to persons who have acted contrary to instructions of the National Police, subject to the provisions on official liability.

Article 30k<sup>89</sup>

*Reimbursement of costs*

- 1) The operations of the National Police shall in principle be free of charge, subject to special legislation and the provisions of this Act.
- 2) Reimbursement of costs shall be demanded in particular:
- a) from an organiser of events which require a costly police operation, which is in particular the case where:
    - 1. separate security arrangements must be developed; and
    - 2. the involvement of foreign security forces becomes necessary;
  - b) by businesspersons in whose business interest the National Police must act;
  - c) by a person causing extraordinary expenses as a result of a police operation conducted otherwise, in particular where the operation was caused intentionally or by gross negligence or where it was carried out predominantly in the private interest.
- 3) In the case of demonstrations and rallies, the competent authority granting the permit shall determine in the permit the amount of the reimbursement of costs for the police operation. The organiser of or person calling for an unauthorised demonstration or rally shall be fully liable for such demonstration or rally.
- 4) The Government may release organisers of events referred to in paragraph 2(a) from reimbursement of costs in whole or in part, or cap the amount invoiced, if:

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<sup>89</sup> Article 30k inserted by LGBl. 2014 No. 109.

- a) due to the international publicity effect, there is both a public interest in these events and an obligation to carry them out on the basis of international memberships or treaties concluded and, in addition, the organiser cannot bear the financial costs of security alone. These organisers may not be for-profit organisations or institutions;
  - b) the event serves a non-material purpose in whole or in part.
- 5) Paragraph 4 shall not apply to the following duties:
- a) maintaining security and order at the venue;
  - b) traffic routing, traffic control, and parking management at the venue or its immediate surroundings.
- 6) By ordinance, the Government shall set out the hourly rate to be invoiced and any cap on reimbursement of costs as referred to in paragraph 4.

#### IV. Processing of police data<sup>90</sup>

##### Article 31<sup>91</sup>

##### *Data processing in general*<sup>92</sup>

1) The National Police is authorised to process personal data, including special categories of personal data, such as in particular genetic data, biometric data uniquely identifying a natural person, and health data, as well as personal data relating to criminal convictions and offences, and to profile the persons enumerated below, to the extent necessary for the performance of its duties under law:<sup>93</sup>

- a) persons against whom police action is directed, in particular persons:
  - 1. who endanger or disturb public safety and order or have endangered or disturbed public safety and order;
  - 2. who are prepared to use violence or whose behaviour or statements lead to the assumption that they are prepared to use violence against third parties;<sup>94</sup>

<sup>90</sup> Heading preceding Article 31 amended by LGBl. 2018 No. 382.

<sup>91</sup> Article 31 amended by LGBl. 2007 No. 191.

<sup>92</sup> Article 31 heading amended by LGBl. 2018 No. 382.

<sup>93</sup> Article 31(1) introductory phrase amended by LGBl. 2018 No. 382.

<sup>94</sup> Article 31(1)(a)(2) amended by LGBl. 2019 No. 7.

3. against whom investigations under the Code of Criminal Procedure have been initiated;
  4. in regard to whom there are specific reasons to believe that they will commit criminal offences in future;
  5. who have demonstrably behaved violently in the context of sporting events in Liechtenstein and abroad;
  6. in regard to whom there are specific reasons to believe that they endanger the existence of the State (State security);
- b) injured parties;
  - c) helpless and missing persons;
  - d) witnesses or informants;
  - e) persons at risk or persons in respect of whom there are specific reasons to believe that they are victims of criminal offences;
  - f) persons whose special knowledge or skills are required for threat response;
  - g) persons responsible for installations or facilities which may pose a significant risk;
  - h) persons responsible for installations or facilities at risk;
  - i) persons as referred to in special legislation (Article 2(3)), in particular legislation on tourism, weapons, and explosives;
  - k) persons for the purpose of performing the duties of offices of the National Administration, administrative authorities, and courts (Article 2(1)(q));<sup>95</sup>
  - l) persons reported to the National Police by foreign security authorities or organisations in the context of international police cooperation:
    1. as suspects, injured parties, or persons providing information as part of criminal police investigations;
    2. in connection with preventive police activities to combat criminal offences; or
    3. in connection with the search for missing persons and the identification of unidentified persons.
  - m) persons requesting medical assistance via the 144 emergency medical services number (Article 2(1)(p<sup>bis</sup>)).<sup>96</sup>

2) The processing of personal data as referred to in paragraph 1 may be carried out only for the purpose for which the data was collected. However,

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<sup>95</sup> Article 31(1)(k) amended by LGBl. 2016 No. 518.

<sup>96</sup> Article 31(1)(m) inserted by LGBl. 2016 No. 518.

further processing for other purposes is permitted to the extent that the National Police may also collect the data for that purpose.<sup>97</sup>

3) The collection of personal data as referred to in paragraph 1 must be carried out in a way that is apparent to the person concerned, unless this would:<sup>98</sup>

- a) jeopardise the performance of police duties or make them considerably more difficult; or
- b) require disproportionate effort.

4) If the collection of personal data as referred to in paragraph 1 is not apparent to the person concerned, the person concerned must be subsequently informed as soon as the purpose of the data processing is no longer jeopardised thereby. Notification shall not be provided if doing so would require the disproportionate collection of additional data.<sup>99</sup>

#### Article 32<sup>100</sup>

##### *Notifications and provision of information<sup>101</sup>*

1) Offices of the National Administration, administrative authorities, and courts are obliged to do the following in relation to the National Police:

- a) report on the result of a fact pattern brought to its attention, where the outcome of the proceedings may have an impact on the correctness of police data;
- b) provide information where this appears necessary to identify, prevent, and combat dangers to the existence of the State and its institutions (State security) or as a preventive measure to combat serious criminal offences;<sup>102</sup>
- c) provide notification without being requested to do so where they, in the performance of their duties:
  1. identify specific dangers to internal security;
  2. have information about persons who have behaved violently in the context of sporting events in Liechtenstein and abroad.

<sup>97</sup> Article 31(2) amended by LGBl. 2018 No. 382.

<sup>98</sup> Article 31(3) introductory phrase amended by LGBl. 2018 No. 382.

<sup>99</sup> Article 31(4) amended by LGBl. 2018 No. 382.

<sup>100</sup> Article 32 amended by LGBl. 2007 No. 191.

<sup>101</sup> Article 32 heading amended by LGBl. 2019 No. 7.

<sup>102</sup> Article 32(1)(b) amended by LGBl. 2014 No. 109.

1a) Offices of the National Administration, administrative authorities, and courts, as well as physicians, psychologists, and psychotherapists, shall be entitled to make threat reports to the National Police about persons of whom it must be assumed that they are prepared to use violence against third parties.<sup>103</sup>

2) The National Police shall verify whether this data is correct and relevant for the performance of its duties. It shall destroy incorrect or irrelevant data.

#### Article 33<sup>104</sup>

##### *Use of image and sound recording equipment at mass events*

1) The National Police may record persons or groups of persons and their statements on image and sound media during or in connection with public events and demonstrations if there are specific reasons to believe that there is a risk to public safety and order.

2) The conditions for image and sound recordings are met in particular if:

- a) there have been calls for violence in the run-up to an event or rally;
- b) there have been acts of violence at comparable events or rallies in the past;
- c) spontaneous acts of violence are to be expected due to the organisation, the participants, or the content of an event or rally or due to the general political climate;
- d) outbreaks of violence are to be expected at sporting events.

3) Image and sound recordings on which individual persons can be identified may be processed only:<sup>105</sup>

- a) to determine the perpetrators of criminal offences;
- b) in individual cases, as a preventive measure to combat one of the criminal offences referred to in § 103(1) of the Code of Criminal Procedure or for State security;
- c) to document the police operation with a view to potential criminal or disciplinary proceedings and claims for official liability against the police; or
- d) for the internal training of police officers.

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<sup>103</sup> Article 32(1a) inserted by LGBl. 2019 No. 7.

<sup>104</sup> Article 33 amended by LGBl. 2007 No. 191.

<sup>105</sup> Article 33(3) introductory phrase amended by LGBl. 2018 No. 382.

4) The identification of individual persons is permissible only if it is indispensable for the purposes referred to in paragraph 3(a) to (c). The identification of individual persons under paragraph 3(d) shall be governed by Article 34c(2).

5) Image and sound recordings must be destroyed no later than 30 days after the event or rally, to the extent they are not required for the purposes referred to in paragraph 3.

#### Article 34<sup>106</sup>

##### *Use of image recording equipment in publicly accessible places*

1) The National Police may observe individual and specific publicly accessible places by means of image transmission and record the transmitted images for:

- a) the prevention of criminal offences (Article 2(1)(d)), where criminal offences have repeatedly been committed in those places or where the nature of the place makes it conducive to the commission of criminal offences, provided that facts justify the assumption that criminal offences will be committed in that place;
- b) threat prevention and averting a serious danger to life, limb, freedom, or property in connection with the guarding of persons or property.

2) In the cases referred to in paragraph 1(a), video surveillance shall be made apparent by appropriate measures, provided such surveillance is not already evident.

3) The data recorded in accordance with paragraph 1 may be used only for criminal prosecution, as a preventive measure to combat criminal offences (Article 2(1)(d)), or for the fulfilment of duties under Article 2(2) (State security), provided that facts justify the assumption that a person will commit criminal offences or endanger the existence of the State and its institutions. To the extent the data is not required for those purposes, it must be deleted after 30 days at the latest.

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<sup>106</sup> Article 34 amended by LGBl. 2007 No. 191.

Article 34a<sup>107</sup>*Special means of data collection*<sup>108</sup>

1) The National Police may, while respecting the secrecy of correspondence, postal secrecy, and the secrecy of communications, collect data of persons with respect to whom there are specific reasons to believe that they are committing criminal offences, as well as their contact persons or accompanying persons, using means as referred to in paragraph 2, only if:<sup>109</sup>

- a) the collection of data is not otherwise possible without jeopardising the performance of the task;<sup>110</sup>
- b) the measure is not disproportionate to the importance of the facts to be clarified; and
- c) doing so is necessary:
  1. to avert a serious danger;
  2. as a preventive measure to combat a criminal offence as referred to in § 103(1) of the Code of Criminal Procedure; or
  3. for State security (Article 2(2)).

2) Means as referred to in paragraph 1 are:

- a) systematic observation, whether envisaged or in fact carried out, for more than 48 hours continuously or on more than five days, including the use of certain technical means to study the facts of the case or to determine the whereabouts of the person concerned (longer-term surveillance);
- b) the covert use of technical means to take pictures or make image recordings or to intercept or record the spoken word;
- c) the use of police officers with an undercover identity (undercover investigators);
- d) the use of other persons whose cooperation with the police is not known to third parties (confidants).

3) The National Police may collect data in or from premises not accessible to the public using the means referred to in paragraph 2(b) without the consent of the authorised person only if doing so is indispensable to avert an immediate and serious danger to life, limb, or freedom of a person or considerable damage to property or assets. Action may be taken in this

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<sup>107</sup> Article 34a inserted by LGBl. 2007 No. 191.

<sup>108</sup> Article 34a heading amended by LGBl. 2018 No. 382.

<sup>109</sup> Article 34a(1) introductory phrase amended by LGBl. 2018 No. 382.

<sup>110</sup> Article 34a(1)(a) amended by LGBl. 2018 No. 382.

respect for the purpose of performing duties under Article 2(2) (State security) only if:<sup>111</sup>

- a) a specific person, organisation, or group is suspected of specifically endangering the existence of the State and its institutions (presumed endangerer);
- b) the seriousness and nature of the danger justifies it;
- c) specific and current facts and incidents give rise to the assumption that a presumed endangerer is using this non-public space to:
  1. meet with third parties;
  2. hide themselves or third parties there;
  3. store material there; or
  4. pursue in any other way activities serving their purposes; and
- d) the fundamental rights of the persons concerned are interfered with only to the extent necessary.

4) The use of means as referred to in paragraph 2 may be ordered only by the Commissioner. If means referred to in paragraph 2(b) are ordered in or from premises not accessible to the public without the consent of the authorised person for the purpose of State security, the permission of the Court of Justice must be obtained immediately.

5) The order of special means of data collection shall be reasonably limited in time. A written justification of the order shall be included in the files.<sup>112</sup>

6) To the extent that it is indispensable for the construction and maintenance of the undercover identity of an undercover investigator, documents to that effect may be produced or modified. The competent authorities must also issue public documents to that effect at the request of the Member of the Government responsible for the National Police according to the allocation of ministries. In performing their duties, undercover investigators may participate in legal transactions using their undercover identities. Undercover investigators may also enter dwellings with the consent of the authorised persons. In all other respects, the powers of undercover investigators shall be governed by this Act. § 9 of the Code of Criminal Procedure shall apply *mutatis mutandis* to the deployment of an undercover investigator.

7) The use of a confidant may also take place against payment. The National Police must document this accordingly.

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<sup>111</sup> Article 34a(3) introductory phrase amended by LGBl. 2018 No. 382.

<sup>112</sup> Article 34a(5) amended by LGBl. 2018 No. 382.



8) Persons against whom the measures referred to in paragraph 2 are directed shall be notified thereof after completion of the measure, as soon as the purpose of the data processing is no longer jeopardised by doing so. Notification by the National Police is not required if:<sup>113</sup>

- a) criminal investigations have been initiated against the person concerned in respect of the same facts;
- b) no record containing personal data has been made or such a record has been destroyed immediately after cessation of the measure; or<sup>114</sup>
- c) doing so would require the disproportionate collection of additional personal data.<sup>115</sup>

#### Article 34b

##### *Information systems*<sup>116</sup>

1) In order to perform its duties, the National Police may maintain electronic information systems, which may also contain special categories of personal data, such as in particular genetic data, biometric data uniquely identifying a natural person, and health data, as well as personal data relating to criminal convictions and offences.<sup>117</sup>

2) The information systems referred to in paragraph 1 shall serve the following purposes:

- a) preparation of reports and situation assessments;
- b) documentation of police events and police action;
- c) assistance in threat response, preventive measures to combat criminal offences, criminal prosecution, and State security;
- d) analysis, research, and profiling;<sup>118</sup>
- e) exchange of data with or acceptance of data from other offices of the National Administration, administrative authorities, and courts;
- f) exchange of data with foreign police, security, and customs authorities and security organisations pursuant to intergovernmental agreements;
- g) file and data management;
- h) preparation and evaluation of statistics.<sup>119</sup>

<sup>113</sup> Article 34a(8) introductory phrase amended by LGBl. 2018 No. 382.

<sup>114</sup> Article 34a(8)(b) amended by LGBl. 2018 No. 382.

<sup>115</sup> Article 34a(8)(c) amended by LGBl. 2018 No. 382.

<sup>116</sup> Article 34b heading inserted by LGBl. 2007 No. 191.

<sup>117</sup> Article 34b(1) amended by LGBl. 2018 No. 382.

<sup>118</sup> Article 34b(2)(d) amended by LGBl. 2018 No. 382.

3) Information systems as referred to in paragraph 1 may contain the following data in particular:

- a) personal data, such as:<sup>120</sup>
  - 1. master data on the identity of natural and legal persons;
  - 2. occurrences, in particular administrative and criminal prosecutions or penalties;
  - 3. police identification data (Article 24a(4));
  - 4. police search data;
  - 5. custody data;
- b) case data, such as:
  - 1. facts of the case;
  - 2. clues and evidence;
  - 3. objects;
  - 4. vehicles;
  - 5. exhibits;
- c) image and sound recordings;
- d) data for file management and business control.<sup>121</sup>

4) The data of the information systems as referred to in paragraph 1 may be made searchable according to persons, objects, and events and may be linked to each other. If data is linked to each other, that data is subject to the corresponding data processing rules and access restrictions, subject to paragraph 6.<sup>122</sup>

5) Linking as referred to in paragraph 4 may also be done in such a way that the employees of the National Police may, within the scope of their access privileges, use their own query patterns to search with a single query whether specific persons or organisations can be found in one or more systems. For this purpose, corresponding data from other information systems of the National Administration may also be included, to the extent that there is a legal basis allowing the National Police to access such data using a retrieval procedure.<sup>123</sup>

6) Personal data processed in information systems in connection with preventive measures to combat criminal offences (Article 2(1)(d)) or State

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<sup>119</sup> Article 34b(2) inserted by LGBl. 2007 No. 191.

<sup>120</sup> Article 34b(3)(a) introductory phrase amended by LGBl. 2018 No. 382.

<sup>121</sup> Article 34b(3) inserted by LGBl. 2007 No. 191.

<sup>122</sup> Article 34b(4) amended by LGBl. 2018 No. 382.

<sup>123</sup> Article 34b(5) inserted by LGBl. 2007 No. 191.

security (Article 2(2)) must be kept separate from other information systems.<sup>124</sup>

6a) If personal data is processed in information systems in connection with administration of the emergency medical services number (Article 2(1)(p<sup>bis</sup>)), it must be ensured that access is granted solely for this purpose.<sup>125</sup>

7) Police search data may also be processed jointly with the Swiss federal authorities in an automated police search register.<sup>126</sup>

8) The Government shall set out the details by ordinance, in particular regarding:<sup>127</sup>

- a) the individual information systems;<sup>128</sup>
- b) the categories of data referred to in paragraph 3;<sup>129</sup>
- c) the access privileges of other offices to the extent that the data is necessary for the performance of their duties.<sup>130</sup>

#### Article 34c<sup>131</sup>

##### *Use of data for special purposes*

1) The use of personal data for scientific and statistical purposes shall be permissible only if identification of the data subjects is rendered impossible.

2) The National Police may use personal data it processes for the purpose of basic and continuing police training in anonymised form. Anonymisation may be waived only if it would be contrary to the purpose of basic or continuing training and if the legitimate interests of the person concerned in maintaining secrecy do not outweigh the need for the waiver.

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124 Article 34b(6) amended by LGBl. 2018 No. 382.

125 Article 34b(6a) amended by LGBl. 2018 No. 382.

126 Article 34b(7) amended by LGBl. 2018 No. 382.

127 Article 34b(8) introductory phrase inserted by LGBl. 2007 No. 191.

128 Article 34b(8)(a) inserted by LGBl. 2007 No. 191.

129 Article 34b(8)(b) inserted by LGBl. 2007 No. 191.

130 Article 34b(8)(c) inserted by LGBl. 2008 No. 274.

131 Article 34c amended by LGBl. 2018 No. 382.

Article 34d<sup>132</sup>*Disclosure of personal data*<sup>133</sup>

1) The National Police may disclose personal data, including special categories of personal data, personal data relating to criminal convictions and offences, and personal data based on profiling, to offices of the National Administration, administrative authorities, and courts, as well as to the Swiss Border Guard, to the extent necessary for the performance of its duties under law or the duties of the data recipients.<sup>134</sup>

2) The National Police may disclose personal data to other offices or persons to the extent provided for by law or where indispensable for:<sup>135</sup>

- a) averting a threat to public safety and order by the recipient;
- b) preventing or eliminating significant disadvantages in the general interest;  
or
- c) protecting the sensitive interests of individuals.

2a) In connection with administration of the 144 emergency medical services number, the National Police may transmit health data on persons referred to in Article 31(1)(m) to the appropriate emergency service.<sup>136</sup>

3) The National Police may transmit personal data to appropriate social and therapeutic specialist offices to the extent necessary to protect persons at risk, in particular:<sup>137</sup>

- a) in cases of domestic violence;
- b) in the deployment of the Crisis Intervention Team of the Crisis Intervention Foundation.

4) The National Police may transmit personal data of persons who have demonstrably behaved violently in the context of sporting events in Liechtenstein and abroad to organisers of sporting events in Liechtenstein if such data is necessary for the ordering of measures to prevent acts of violence in the context of certain events. The recipients of such data may transmit the data to third parties only as part of implementation of the measures.<sup>138</sup>

<sup>132</sup> Article 34d inserted by LGBI. 2007 No. 191.

<sup>133</sup> Article 34d heading amended by LGBI. 2018 No. 382.

<sup>134</sup> Article 34d(1) amended by LGBI. 2018 No. 382.

<sup>135</sup> Article 34d(2) introductory phrase amended by LGBI. 2018 No. 382.

<sup>136</sup> Article 34d(2a) amended by LGBI. 2018 No. 382.

<sup>137</sup> Article 34d(3) introductory phrase amended by LGBI. 2018 No. 382.

<sup>138</sup> Article 34d(4) amended by LGBI. 2018 No. 382.

Article 34e<sup>139</sup>*Retention, deletion, blocking, and archiving of personal data*<sup>140</sup>

1) Personal data may be processed for as long as the data is necessary for performance of the task, but at the longest until expiry of the retention period laid down by the Government by ordinance; the data must then be deleted.<sup>141</sup>

2) Access to the first name and surname of a person must be blocked even before deletion in accordance with paragraph 1. The Government shall set out the details by ordinance, in particular the blocking periods for the individual events. In doing so, the Government may provide that linked data must be blocked jointly once the time period of the last recorded event has expired.

3) Repealed<sup>142</sup>

4) Before deletion, the National Police shall offer the data to the National Archives in accordance with the provisions of the Archives Act.

Article 34f<sup>143</sup>

Repealed

*Right of access to information*<sup>144</sup>Article 34g<sup>145</sup>*a) In general*

1) Any person may request information from the National Police in accordance with Article 57 of the Data Protection Act regarding police data concerning that person, subject to Article 34h.

2) Requests for information concerning personal data processed by the National Police as part of international police cooperation are decided by the

<sup>139</sup> Article 34e amended by LGBl. 2018 No. 158.

<sup>140</sup> Article 34e heading amended by LGBl. 2018 No. 382.

<sup>141</sup> Article 34e(1) amended by LGBl. 2018 No. 382.

<sup>142</sup> Article 34e(3) repealed by LGBl. 2018 No. 382.

<sup>143</sup> Article 34f repealed by LGBl. 2018 No. 382.

<sup>144</sup> Heading preceding Article 34g inserted by LGBl. 2007 No. 191.

<sup>145</sup> Article 34g amended by LGBl. 2018 No. 382.

National Police after consultation with the requesting authority. The secrecy of investigations must be preserved.

#### Article 34h

##### *b) In specific areas*<sup>146</sup>

1) Any person may request the Data Protection Office to review whether personal data relating to that person is being lawfully processed by the National Police for purposes of State security (Article 2(2)). The Data Protection Office shall inform the requesting person, in a response whose wording shall always be identical, that either no personal data concerning the person is being processed unlawfully or that the Data Protection Office has ordered the correction of any errors in data processing.<sup>147</sup>

2) This communication may not be appealed. The person concerned may request the Administrative Court to review the communication by the Data Protection Office or the execution of the correction decreed by the Data Protection Office. The Administrative Court shall inform the person concerned, in a response whose wording shall always be identical, that the review was carried out as requested.<sup>148</sup>

3) Before proceeding in accordance with paragraph 1, the National Police must check whether there is an overriding interest in secrecy and whether existing personal data is still required. If there is no overriding interest in secrecy, information must be provided without delay in accordance with Article 34g.<sup>149</sup>

4) The National Police shall be entitled to appeal to the Administrative Court against decisions of the Data Protection Office in connection with the review referred to in paragraph 1, which decisions may also include the disclosure of personal data in the absence of an overriding interest in secrecy.<sup>150</sup>

5) Both the Data Protection Office and the Administrative Court must safeguard the protected public interests in their proceedings.<sup>151</sup>

6) Requesting persons who have not already been provided with information in accordance with Article 34g and about whom no personal data

<sup>146</sup> Article 34h heading inserted by LGBl. 2007 No. 191.

<sup>147</sup> Article 34h(1) amended by LGBl. 2018 No. 382.

<sup>148</sup> Article 34h(2) inserted by LGBl. 2007 No. 191 and amended by LGBl. 2008 No. 273.

<sup>149</sup> Article 34h(3) amended by LGBl. 2018 No. 382.

<sup>150</sup> Article 34h(4) amended by LGBl. 2018 No. 382.

<sup>151</sup> Article 34h(5) inserted by LGBl. 2007 No. 191 and amended by LGBl. 2008 No. 273.

as referred to in paragraph 1 has been processed at the time of the review shall be provided with information in accordance with Article 34g within 12 months of submission of the request; such information shall be provided to all other persons who have submitted a request for information and who have been registered as such with the Data Protection Office once the interests in secrecy no longer apply, but at the latest once the personal data is no longer required.<sup>152</sup>

7) The Data Protection Office may also review the lawfulness of data processing by the National Police for purposes of State security (Article 2(2)) even where no incident gives rise to such a review.<sup>153</sup>

Article 34i<sup>154</sup>

Repealed

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<sup>152</sup> Article 34h(6) amended by LGBl. 2018 No. 382.

<sup>153</sup> Article 34h(7) amended by LGBl. 2018 No. 382.

<sup>154</sup> Article 34i repealed by LGBl. 2018 No. 382.

## V. International administrative assistance<sup>155</sup>

### A. In general<sup>156</sup>

#### Article 35<sup>157</sup>

##### *Basic principle*

1) The National Police may request foreign security authorities and organisations to transmit personal data, including special categories of personal data and personal data relating to criminal convictions and offences, or to perform other official acts, where necessary for the performance of its duties.<sup>158</sup>

2) The National Police may provide administrative assistance to foreign security authorities or organisations in accordance with Article 35a:

- a) on request, provided that doing so is necessary for foreign security authorities or organisations to perform their duties within the meaning of Article 2 and provided that there is reciprocity;
- b) on its own initiative, where this could be relevant in a specific case for the recipient to assist in averting specific dangers to public safety and order or to prevent and combat criminal offences.

3) Administrative assistance must not be provided if there is reason to believe that:

- a) such administrative assistance would violate the public order or other essential interests of Liechtenstein;
- b) the facts in question concern a criminal matter relating to taxes, duties, customs, or foreign exchange;
- c) sensitive interests of the person concerned or third parties are violated, in particular if those rights are violated in the receiving country which are granted by the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms or if appropriate guarantees pursuant to Article 78 of the Data Protection Act for adequate data

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<sup>155</sup> Heading preceding Article 35 inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>156</sup> Heading preceding Article 35 inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>157</sup> Article 35 amended by LGBl. 2007 No. 191.

<sup>158</sup> Article 35(1) amended by LGBl. 2018 No. 382.



protection would not be ensured, subject to Article 79 of the Data Protection Act;<sup>159</sup>

d) the requesting security authority or organisation would use this information for political, military, religious, or racist purposes.

4) Personal data that has been transmitted to foreign security authorities or organisations may be used for purposes other than those on which the transmission is based only with the prior consent of the National Police. This must be notified to the requesting authority. Consent shall be given only if the data transmission would have been allowable for that purpose.<sup>160</sup>

5) The National Police is obliged to record the incident giving rise to the data transmission as well as the content, receiving office, and time of the data transmission. This record may be used only to check the permissibility of the transmission.

6) The National Police must notify a foreign security authority or organisation if personal data transmitted to that authority or organisation has been processed incorrectly or unlawfully and must therefore be corrected or deleted.<sup>161</sup>

#### Article 35a<sup>162</sup>

##### *Nature of administrative assistance*

1) The National Police may provide administrative assistance by:

- a) transmitting personal data, including special categories of personal data, such as in particular genetic data, biometric data uniquely identifying a natural person, and health data, and personal data relating to criminal convictions and offences, as well as data based on profiling;<sup>163</sup>
- b) granting and supporting foreign undercover investigations on Liechtenstein territory;
- c) carrying out other measures which do not require a court order.

<sup>159</sup> Article 35(3)(c) amended by LGBl. 2018 No. 382.

<sup>160</sup> Article 35(4) amended by LGBl. 2018 No. 382.

<sup>161</sup> Article 35(6) amended by LGBl. 2018 No. 382.

<sup>162</sup> Article 35a inserted by LGBl. 2007 No. 191.

<sup>163</sup> Article 35a(1)(a) amended by LGBl. 2018 No. 382.

2) The collection of personal data for the purpose of administrative assistance as referred to in paragraph 1(a) is permitted only through:<sup>164</sup>

- a) the use of personal data processed by the National Police in the performance of its duties;<sup>165</sup>
- b) the gathering of information from other offices of the National Administration, administrative authorities, and the courts;
- c) police questioning;
- d) surveillance, where this is an essential condition for the effective performance of administrative assistance.

3) Administrative assistance in accordance with paragraph 1(b) shall require the approval of the Commissioner. Such approval may be granted only if clarification of the facts for the performance of police duties within the meaning of Article 2 would be futile or significantly more difficult without the planned investigative measure and provided that there is reciprocity.

4) With the approval of the Commissioner, organs of foreign security authorities may be present during police questioning and surveillance, to the extent necessary for the performance of their police duties within the meaning of Article 2 and provided that there is reciprocity. However, these organs may not perform official acts on behalf of the requesting country. In the case of police questioning, the person concerned shall be informed of the presence of the organ of a foreign security authority.

5) The Government may decide to hand over a person as referred to in Article 2(1)(p) to a foreign country as part of witness protection or to take over such a person from a foreign country if doing so is indispensable to protect the substantial security interests of that person. Details shall be set out in an agreement between the National Police and the competent foreign authority or international criminal tribunal; the agreement shall require approval by the Government.<sup>166</sup>

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<sup>164</sup> Article 35a(2) introductory phrase amended by LGBl. 2018 No. 382.

<sup>165</sup> Article 35a(2)(a) amended by LGBl. 2018 No. 382.

<sup>166</sup> Article 35a(5) inserted by LGBl. 2014 No. 109.

Article 35b<sup>167</sup>*Reservation*

The provisions on international administrative assistance are subject to the Mutual Legal Assistance Act and intergovernmental agreements as well as obligations under international law.

**B. Simplified exchange of information with EU/Schengen countries<sup>168</sup>**Article 35c<sup>169</sup>*Object, purpose, and scope*

1) Supplementing the provisions on international administrative assistance set out above in this Chapter, this Section implements Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (OJ L 386, 29.12.2006, p. 89) and governs the simplified exchange of information between the National Police and the law enforcement authorities of the countries applying that Framework Decision (EU/Schengen countries) for the purpose of preventing and prosecuting criminal offences.

2) This Section shall be without prejudice to more extensive obligations in the field of administrative assistance and more favourable cooperation provisions of existing bilateral or multilateral agreements between Liechtenstein and one or more EU/Schengen countries.

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<sup>167</sup> Article 35b inserted by LGBl. 2007 No. 191.

<sup>168</sup> Heading preceding Article 35c inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>169</sup> Article 35c amended by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

Article 35d<sup>170</sup>*Law enforcement authorities of other EU/Schengen countries*

The authorities referred to in Article 2(a) of Framework Decision 2006/960/JHA are deemed the competent law enforcement authorities of the other EU/Schengen countries.

Article 35e<sup>171</sup>*Information*

Information under this Section includes any type of data held by the National Police, except data collected through the use of procedural coercion or the collection of which requires the use of procedural coercion.

Article 35f<sup>172</sup>*Exchange of information with and without request*

The National Police shall provide the competent law enforcement authorities of the other EU/Schengen countries with information as defined in Article 35e:

- a) on request, to the extent such information is necessary to conduct a criminal investigation or a criminal intelligence operation as defined in Article 2(b) and (c) of Framework Decision 2006/960/JHA;
- b) without any prior request, to the extent such information may be relevant for the prevention and prosecution of the serious criminal offences enumerated in the Annex.

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<sup>170</sup> Article 35d amended by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>171</sup> Article 35e amended by LGBl. 2018 No. 382.

<sup>172</sup> Article 35f inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565)

Article 35g<sup>173</sup>*Communication channels and contacts*

1) Exchange of information between the National Police and law enforcement authorities of the other EU/Schengen countries shall take place through the channels available for international law enforcement cooperation.

2) The National Police shall be the central contact for the purposes of Framework Decision 2006/960/JHA.

Article 35h<sup>174</sup>*Equal treatment*

1) No stricter rules shall apply to the disclosure of information to the competent law enforcement authorities of other EU/Schengen countries than those applicable to the disclosure of information to domestic law enforcement authorities.

2) To the extent that the provisions of this Act provide for stricter rules for the disclosure of information to foreign law enforcement authorities than to domestic law enforcement authorities, they shall not apply to law enforcement authorities of the EU/Schengen countries.

Article 35i<sup>175</sup>*Content and form of requests*

1) Requests for information shall contain in particular the following information:

- a) the requesting office;
- b) the information requested;
- c) the purpose for which the information is requested;
- d) a brief description of the essential facts;
- e) any restrictions on the use of the information contained in the request;

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<sup>173</sup> Article 35g inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>174</sup> Article 35h inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>175</sup> Article 35i inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565)

f) where applicable, an indication that processing is urgent.

2) The form referred to in Article 35l(a) shall be used for requests for information.

#### Article 35k<sup>176</sup>

##### *Response and forwarding*

1) The form referred to in Article 35l(b) shall be used for responses to requests for information.

2) If the National Police receives a request for which it is not competent to respond, it shall forward the request *ex officio* to the competent authority.

3) Any forwarding of requests, refusal to provide information, and delay in responding shall be justified on the form referred to in paragraph 1.

4) If the consent of another office or court is required, the National Police shall request such consent *ex officio*.

5) To the extent provided for by special legislative provisions, the National Police must attach restrictions on the use of information when transmitting the information.

6) In the case of exchange of information without a request (Article 35f(b)), the information shall be forwarded using the form referred to in Article 35l(b).

#### Article 35l<sup>177</sup>

##### *Forms*

By ordinance, the Government shall determine one form each:

- a) for requests for information;
- b) for responses to requests for information, including the justification for forwarding a request, refusal to provide information, and delay in responding.

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<sup>176</sup> Article 35k inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>177</sup> Article 35l inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

Article 35m<sup>178</sup>*Deadlines*

1) If the information requested relates to one of the serious criminal offences enumerated in the Annex and if this information is available through direct access to a database, the following deadlines shall apply to the response to the request:

- a) eight hours for urgent requests;
- b) seven days for non-urgent requests.

2) The deadline under paragraph 1(a) may be extended to three days; the extension must be justified.

3) In all other cases, the request must be responded to within fourteen days.

Article 35n<sup>179</sup>*Reasons for refusal*

1) The exchange of information may be refused if:

- a) it could harm essential national security interests;
- b) it could jeopardise the success of a current investigation or the safety of individuals; or
- c) the information requested does not appear to be relevant and necessary for the successful prevention or prosecution of a criminal offence.

2) Without prejudice to Article 35(3), the exchange of information shall be refused if:

- a) the information is to be used as evidence before a judicial authority;
- b) the request relates to a criminal offence punishable by imprisonment of one year or less; or
- c) access to and exchange of information must be authorised by a judicial authority and that judicial authority has refused such authorisation.

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<sup>178</sup> Article 35m inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>179</sup> Article 35n inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

Article 35o<sup>180</sup>*Obligation to provide information when data is collected<sup>181</sup>*

The National Police shall inform the person concerned in accordance with Article 31(4), unless the EU/Schengen country where the data is collected expressly requests not to inform the person.

Article 35p<sup>182</sup>*Transmission of data to a third country or international organisation*

The National Police may transmit personal data to a competent authority of a third country or an international organisation in accordance with Articles 77 to 79 of the Data Protection Act.

Article 35q<sup>183</sup>*Transmission of data to recipients established in third countries*

The National Police may transmit personal data to recipients established in third countries which are not responsible for performing duties within the meaning of Article 2 only in special individual cases and only in accordance with Article 80 of the Data Protection Act.

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<sup>180</sup> Article 35o inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>181</sup> Article 35o heading amended by LGBl. 2018 No. 382.

<sup>182</sup> Article 35p amended by LGBl. 2018 No. 382.

<sup>183</sup> Article 35q amended by LGBl. 2018 No. 382.



## VI Procedure and legal protection<sup>184</sup>

### Article 35r<sup>185</sup>

#### *Basic principle*

1) To the extent not otherwise provided, the provisions of the National Administration Act shall apply to the proceedings and legal protection.

1a) A supervisory complaint may be lodged with the Government within 14 days (Article 23(4) of the National Administration Act) against the threat or use of physical coercion or against other orders of the National Police which have not been issued in the form of a decree or decision.<sup>186</sup>

2) To the extent not otherwise ordered, complaints shall not have suspensive effect.

### Article 35s<sup>187</sup>

#### *Inspection of files*

1) Subject to special legal provisions, the National Police shall allow the parties to inspect files or parts of files relating to their case. The parties may make their own copies on the spot or, in accordance with the technical possibilities available, have copies made at their own expense.

2) Parts of files shall be excluded from the inspection of files to the extent that their inspection would injure the legitimate interests of a party or third party or endanger the tasks of the National Police or adversely affect the purpose of the proceedings.

3) If police files have been transmitted to another administrative authority or a court, the right to inspect the files shall be governed by the provisions applicable to that authority or court.

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<sup>184</sup> Heading preceding Article 35r inserted by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>185</sup> Article 35r amended by LGBl. 2007 No. 191, renumbered by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565).

<sup>186</sup> Article 35r(1a) inserted by LGBl. 2014 No. 109.

<sup>187</sup> Article 35s amended by LGBl. 2007 No. 191, renumbered by LGBl. 2010 No. 394, entered into force on 19 December 2011 (LGBl. 2011 No. 565)

**VII Penal provisions<sup>188</sup>**Article 36<sup>189</sup>*Contraventions*

1) Anyone who commits one of the following acts shall be punished by the Court of Justice for committing a contravention and sentenced to a fine of up to 5 000 Swiss francs, or to imprisonment of up to one month if the fine cannot be collected:

- a) disregarding a prohibition of entry under Article 24g;
- b) violating an exclusion order, a travel restriction, or an obligation to report to the police under Article 26(1);
- c) acting contrary to an order under Article 26a.

2) Anyone who refuses to provide information under Article 25e(1)(a) or (b) or provides false information in this regard shall be punished by the Court of Justice for committing a contravention and sentenced to a fine, or to imprisonment of up to one month if the fine cannot be collected. The fine shall amount to up to 30% of the value of the cash carried in Swiss francs.

3) Where a contravention under paragraph 2 is committed by a legal person, §§ 74a and 74d of the Criminal Code shall apply.

4) In the case of contraventions under paragraph 2, the judge shall rule that the suspect must deposit a security equal to the amount of the presumed fine and procedural costs if the suspect does not have a permanent residence in Liechtenstein. § 322a(4) to (6) of the Code of Criminal Procedure shall apply *mutatis mutandis*.

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<sup>188</sup> Heading preceding Article 36 inserted by LGBl. 2007 No. 191.

<sup>189</sup> Article 36 amended by LGBl. 2018 No. 158.

**VIII. Final provisions**<sup>190</sup>

## Article 37

*Terminology*

Where laws and ordinances refer to the Security Corps, this is understood to mean the National Police within the meaning of this law.

## Article 38

*Relationship to other laws*

To the extent that other laws assign duties to the National Police without specifying the powers of the National Police in detail, this law shall be applicable.

## Article 39

*Implementing ordinances*

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

## Article 40

*Repeal of law hitherto in force*

With entry into force of this Act, the Law of 30 December 1932 on the Security Corps of the Principality of Liechtenstein (Police Act), LGBl. 1933 No. 1, is repealed.

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<sup>190</sup> Heading preceding Article 37 amended by LGBl. 2007 No. 191.

Article 41

*Entry into force*

This Act shall enter into force on the day of its promulgation.

Representing the Reigning Prince:

signed *Hans-Adam*

Hereditary Prince

signed *Hans Brunhart*

Prime Minister



**Annex<sup>191</sup>**

(Articles 35f(b) and 35m(1))

**Criminal offences under Liechtenstein law which  
correspond to or are equivalent to  
those set out in Framework Decision 2002/584/JHA**

FD 2002/584/JHA	Criminal offences under Liechtenstein law
1. Murder, grievous bodily injury	Murder, manslaughter, killing on demand, killing of a child at birth, bodily harm leading to death, bodily harm with serious lasting consequences, purposeful serious bodily harm (§§ 75, 76, 77, 79, 85, 86, and 87 StGB)
2. Organised or armed robbery	Theft by breaking and entering or using weapons, theft on a commercial basis and theft as part of a criminal group, theft involving use of force, aggravated robbery (§§ 129(4), 130, 131, and 143 StGB)
3. Computer-related crime	Illegal access to a computer system on a commercial basis, damage to data, interference with the functioning of a computer system, data theft, serious fraud, fraudulent misuse of data processing (§§ 118a(3), 126a(2), 126b(2), 131a, 147(1)(1), and 148a(2) StGB)
4. Sabotage	Serious damage to property, arson, intentional endangerment through nuclear energy or ionising radiation, intentional endangerment through

<sup>191</sup> Annex amended by LGBl. 2015 No. 28, LGBl. 2016 No. 14, LGBl. 2016 No. 21, and LGBl. 2018 No. 158.

	explosives, intentional endangerment of public safety, intentional endangerment through air or water pollution, intentional endangerment of animal and plant populations, intentional endangerment of aviation safety, sabotage of weaponry (§§ 126(5) and (6), 169, 171, 173, 176, 180, 182, 186, and 260 StGB)
5. Fraud	Serious fraud, fraud on a commercial basis (§§ 147 and 148 StGB)
6. Fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 <sup>192</sup> on the protection of the European Communities' financial interests	Serious fraud, fraud on a commercial basis, fraudulent misuse of data processing, criminal breach of trust, misuse of aid, fraudulent bankruptcy, detriment to third-party creditors, frustration of execution, frustration of execution for the benefit of another (§§ 147, 148, 148a(2), 153, 153a(3) and (4), 156, 157, 162, and 163 StGB), counterfeiting of goods (Article 155 of the Swiss Criminal Code) <sup>193</sup>
7. Counterfeiting and piracy of products	Serious fraud, fraud on a commercial basis (§§ 147 and 148 StGB), infringement of a trademark right, fraudulent use of trademarks, use of a guarantee or collective mark contrary to the regulations, use of incorrect indications of source (Articles 59(3), 60(2), 61(4), and 62(2) of the Trademark Protection Act), infringement of design rights (Article 43(2) of the Design Act), infringement of copyright (Article 61(2) of the Copyright Act),

<sup>192</sup> OJ C 316, 27.11.1995, p. 49.

<sup>193</sup> The scope of application of this penal provision is based on the promulgation of the Swiss legal provisions applicable in Liechtenstein at a given time, in particular on the basis of the Customs Treaty.

	counterfeiting of goods (Article 155 of the Swiss Criminal Code) <sup>194</sup>
8. Racketeering and extortion	Extortion, aggravated extortion (§§ 144 and 145 StGB)
9. Unlawful seizure of aircraft/ships	Extortionate kidnapping, aggravated coercion, extortion, aggravated extortion, air piracy (§§ 102, 106, 144, 145, and 185 StGB)
10. Trafficking in stolen vehicles	Handling stolen goods (§ 164(3) and (4) StGB)
11. Trafficking in human beings	Slave trade, trafficking in humans (§§ 104 and 104a StGB)
12. Kidnapping, illegal restraint and hostage-taking	Deprivation of liberty, kidnapping of an abulic or defenceless person, kidnapping of an underage person, extortionate kidnapping, delivery to a foreign power (§§ 99, 100, 101, 102, and 103 StGB)
13. Sexual exploitation of children and child pornography	Sexual abuse of underage persons, endangerment of the morals of underage persons or adolescents, abuse of a relationship of authority, pornography (§§ 206, 207(2), 212, and 218a(3) to (5) StGB)
14. Rape	Rape (§ 200 StGB)
15. Arson	Arson (§ 169 StGB)
16. Illicit trafficking in nuclear or radioactive substances	Intentional endangerment through nuclear energy or ionising radiation; preparation of a crime with nuclear energy, ionising radiation or explosives (§§ 171 and 175 StGB); crimes and misdemeanours under the Nuclear Energy Goods Control Act (Article 21(1) and (2) KEGKG); failure to observe safety and security

<sup>194</sup> The scope of application of this penal provision is based on the promulgation of the Swiss legal provisions applicable in Liechtenstein at a given time, in particular on the basis of the Customs Treaty.



	measures under the Swiss Nuclear Energy Act (Article 88 KEG) <sup>195</sup>
17. Counterfeiting currency, including of the euro	Counterfeiting money (§ 232 StGB)
18. Forgery of means of payment	Counterfeiting money; passing on and possessing counterfeit or falsified money; reducing coins and passing on reduced coins; forgery of specially protected securities; forgery of stamps; preparation of counterfeiting of money, of forgery of securities or stamps; foreign money, securities and stamps (§§ 232, 233, 234, 237, 238, 239, and 241 StGB)
19. Forgery of administrative documents and trafficking therein	Forgery of specially protected documents, forgery of public certification marks, abuse of official powers, false authentication and certification in office (§§ 224, 225, 302, and 311 StGB)
20. Participation in a criminal organisation	Criminal group, criminal organisation (§§ 278 and 278a StGB)
21. Illicit trafficking in weapons, munitions and explosives	Preparation of a crime with nuclear energy, ionizing radiation or explosives; amassing of weapons (§§ 175 and 280 StGB); crimes under the Weapons Act (Article 60(3) WaffG); misdemeanours and crimes under the War Material Act (Articles 27(1) and (2), 28(1), and 29(1) KMG); misdemeanours and crimes under the Swiss War Material Act (Articles

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	33(1), (2), and (4), 34, and 35 WMA); <sup>196</sup> misdemeanours under the Swiss Explosives Act (first sentence of Article 37(1)(1) SprstG); <sup>197</sup> misdemeanours under the Swiss Weapons Act (Article 33(1) and (3) WA) <sup>198</sup>
22. Terrorism	Subversive groups, terrorist group, terrorist financing, armed groups (§§ 246, 278b, 278d, and 279 StGB)
23. Racism and xenophobia	Discrimination (§ 283 StGB)
24. Crimes within the jurisdiction of the International Criminal Court	Genocide (§ 321 StGB)
25. Laundering of the proceeds of crime	Money laundering (§ 165 StGB)
26. Corruption	Acceptance of gifts by officials, acceptance of gifts by experts, bribery, prohibited intervention (§§ 304, 306, 307, and 308 StGB)
27. Facilitation of unauthorised entry and residence	Aiding unlawful entry or unlawful presence; production, use, and provision of forged identity documents and unlawful use or transfer of genuine identity papers; deception of the authorities (Articles 84(3), 85(2), and 86(3) Foreigners Act)
28. Illicit trafficking in hormonal	Misdemeanours under the Swiss

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<sup>198</sup> The scope of application of this penal provision is based on the promulgation of the Swiss legal provisions applicable in Liechtenstein at a given time, in particular on the basis of the Customs Treaty.

substances and other growth promoters	Foodstuffs Act (Article 63(1) and (2) FSA), <sup>199</sup> misdemeanours under the Swiss Therapeutic Products Act (Article 86(1) and (2) TPA) <sup>200</sup>
29. Illicit trafficking in cultural goods, including antiques and works of art	Penal provisions of the Swiss Cultural Property Transfer Act (Articles 24 to 29 KGTG) <sup>201</sup>
30. Illicit trade in human organs and tissue	Misdemeanours under the Swiss Stem Cell Research Act (Article 24(1) to (3) StRA), <sup>202</sup> misdemeanours under the Swiss Transplantation Act (Article 69(1) and (2) of the Transplantation Act), <sup>203</sup> penal provisions of the Public Health Act (Article 58(2) and (3) GesG)
31. Illicit trafficking in narcotic drugs and psychotropic substances	Penal provisions of the Narcotics Act (Articles 20(1) and (2), 24(1), 25(1))

<sup>199</sup> The scope of application of this penal provision is based on the promulgation of the Swiss legal provisions applicable in Liechtenstein at a given time, in particular on the basis of the Customs Treaty.

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	BMG), penal provisions of the Swiss Narcotics Law (Articles 19(1) and (2), 20(1) NarcA) <sup>204</sup>
32. Environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties	Misdemeanours under the Environmental Protection Act (Article 88(2) USG), misdemeanours against the Swiss Animal Welfare Act (Article 27 TSchG), <sup>205</sup> misdemeanours under the Swiss Environmental Protection Act (Article 60(1) EPA), <sup>206</sup> penal provisions of the Swiss Radiological Protection Act (Articles 43 and 43a(1) StSG), <sup>207</sup> penal provisions of the Swiss Gene Technology Act (Article 35(1) and (2) GTA) <sup>208</sup>

<sup>204</sup> The scope of application of this penal provision is based on the promulgation of the Swiss legal provisions applicable in Liechtenstein at a given time, in particular on the basis of the Customs Treaty.

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**143.0**

**Transitional provisions**

**143.0 Police Act (PolG)**

**Liechtenstein Law Gazette**

Year 2007

No. 191

published on 27 July 2007

**Law**  
of 23 May 2007  
**amending the Police Act**

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**II.****Transitional provisions**

Data already being processed by the National Police must be reviewed within five years of entry into force<sup>209</sup> of this Act to determine whether the processing thereof is permissible under this Act.

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<sup>209</sup> Entry into force: 1 October 2007.