

Translation of Liechtenstein Law

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of 19 January 2016

**on Measures concerning the
Islamic Republic of Iran**

On the basis of Art. 2 and 14a of the Act of 10 December 2008 on the Enforcement of International Sanctions (ISG), Law Gazette [LGBL.] 2009 No. 41, in the wording of the Act of 9 June 2017, LGBL. 2017 No. 203, taking into account the provisions of Swiss law applicable as a result of the Customs Treaty, taking into account the European Union Council Decisions of 26 July 2010 (2010/413/CFSP), 12 April 2011 (2011/235/CFSP), and 18 October 2015 (2015/1863/CFSP), and implementing Resolution 2231 (2015) of 20 July 2015 of the United Nations Security Council¹, the Government issues the following Ordinance:²

I. Coercive measures

Art. 1

Definitions

In this Ordinance, the following terms and expressions shall mean the following:

- a) funds: financial assets, including cash, cheques, monetary claims, bills of exchange, money orders or other payment instruments, credit balances, debts and debt obligations, securities and debt instruments,

¹ The text of these resolutions can be viewed in English at the address <https://www.un.org/securitycouncil/content/resolutions-0>.

² Ingress amended by LGBL. 2020 No. 209.

certificates representing securities, bonds, notes, warrants, debentures, derivatives; interest, dividends, or other income on or value accruing from assets; credit, right of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or other financial resources, and any other instrument of export-financing;

- b) freezing of funds: the prevention of any act that enables the management or use of the funds, with the exception of normal administrative acts by banks and investment firms;
- c) Iranian person or organisation:
 - 1. the Iranian state and any public authority of that state,
 - 2. any individual with residence or abode in Iran, with the exception of diplomatic personnel of Switzerland and of third countries working in an official function in Iran,
 - 3. any legal entity or organisation domiciled in Iran,
 - 4. any legal entity or organisation within or outside Iran that is owned or under the direct or indirect control of one or more of the above-mentioned persons or organisations;
- d) economic resources: assets of any kind irrespective of whether they are tangible or intangible, movable or immovable, in particular real estate and luxury goods, with the exception of funds as defined in item (a);
- e) freezing of economic resources: the prevention of their use for the acquisition of funds, goods or services, including the sale, rental or pledging of such resources.

Art. 2

Reserved legislation

The provisions of the Swiss legislation applicable in Liechtenstein concerning war materiel, goods control, and embargoes shall remain reserved.

II. Restrictions to commerce

Art. 3

Prohibitions concerning goods, technology, and software for launcher systems

1) The sale, the delivery, the export and the transit, technology, and software for launcher systems to Iranian persons or organisations or for use in Iran are prohibited. The goods, technology, and software concerned are listed in Schedule 1.

2) Services of any kind, including financial services, brokering services, and technical advice, the granting of financial means as well as investments, participations, and joint ventures in connection with the sale, the delivery, the export, the transit, the providing, the maintenance, the production, or the use of goods, technology, and software pursuant to Schedule 1 are prohibited.

3) The prohibitions pursuant to Para. 1 and 2 shall also apply to other goods that might in their entirety or in part be destined for the development of launcher systems for nuclear weapons in Iran.

4) The acquisition, the import, the transit, the transportation, and the brokering of goods, technology, and software pursuant to Schedule 1 from Iran are prohibited.

Art. 4

Requirement of authorisation concerning nuclear goods and dual-use goods

1) The following shall be subject to authorisation:

- a) the sale, the delivery, the export, and the transit of nuclear goods, dual-use goods, technology, and software as listed in Schedule 2 to Iranian persons or organisations or for use in Iran;
- b) services of any kind, including financial services, brokering services, and technical advice, the granting of financial means as well as investments, participations, and joint ventures in connection with the sale, the delivery, the export, the transit, the providing, the maintenance, the production, or the use of goods, technology, and software pursuant to Schedule 2;

c) the acquisition, the import, the transit, the transportation, and the brokering of goods, technology, and software pursuant to Schedule 2 from Iran.

2) Para. 1 shall also apply to other goods which might in their entirety or in part be destined for the activities of Iran in the enrichment of uranium, the reprocessing of nuclear fuels or heavy water in a way that is inconsistent with the Joint Comprehensive Plan of Action of 14 July 2015³ concerning the Iranian nuclear issue and the cancellation of international sanctions towards Iran (JCPOA).

3) The Government or, within the scope of its jurisdiction, the Swiss State Secretariat for Economic Affairs (SECO) shall grant authorisation for goods pursuant to Para. 2 and pursuant to Schedule 2 Part A and any services in connection with this, if applicable in proceedings pursuant to Art. 16 of the Swiss Goods Control Ordinance (*Güterkontrollverordnung*, GKV) of 25 June 1997 if:⁴

- a) the requirements of the Guidelines of 13 November 2013 / June 2013 of the Nuclear Suppliers Group (NSG)⁵ are met;
- b) Iran has granted the powers to review the end use and the place of end use of every item delivered, and the powers can be used effectively;
- c) the activities are consistent with the JCPOA.

4) The Government or - within the scope of its jurisdiction - the SECO shall grant the authorisation for goods pursuant to Schedule 2 Part B and any services in connection with these if there is no reason to assume that the activity might in its entirety or in part contribute to the activities of Iran in the enrichment of uranium, the reprocessing of nuclear fuels and heavy water, or other activities in the nuclear field that are inconsistent with the JCPOA.⁶

5) The requirement of authorisation pursuant to Para. 1 (b) shall not apply to services for goods for which the Government or - within the scope of its jurisdiction - the SECO has issued a permit in terms of Para. 4.⁷

³ The text of the Joint Comprehensive Plan of Action is included in Annex A of UN Resolution 2231 (2015).

⁴ Art. 4 Para. 3 amended by LGBL 2016 No. 206.

⁵ The guidelines of the Nuclear Suppliers Group can be viewed on the Internet at the following address: www.nuclearsuppliersgroup.org > NSG Guidelines.

⁶ Art. 4 Para. 4 amended by LGBL 2016 No. 206.

⁷ Art. 4 Para. 5 amended by LGBL 2016 No. 206.

6) Where this is required as a result of Resolution 2231 (2015) of the United Nations Security Council, the Government or - within the scope of its jurisdiction - the SECO shall obtain a statement from the Security Council or from the Joint Commission under the JCPOA.⁸

7) Where an activity in terms of Para. 1 is carried out, this shall be reported to the Government or - within the scope of its jurisdiction - to the SECO within five working days. The Government or - within the scope of its jurisdiction - the SECO shall report the activity to the United Nations Security Council and to the International Atomic Energy Agency subject to Resolution 2231 (2015) of the United Nations Security Council.⁹

8) Applications for authorisation shall be submitted to the Financial Intelligence Unit.¹⁰

Art. 5

Prohibition concerning arms and equipment for internal repression

1) The sale, the delivery, the export, and the transit of arms of any kind, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and accessories and spare parts for the above, to Iranian persons and organisations or for use in Iran are prohibited.

2) The sale, the delivery, the export, and the transit of equipment that may be used for internal repression and that is destined for use in Iran are prohibited. The equipment in question is listed in Schedule 3.

3) Services of any kind, including financial services, brokering services, and technical advice, the granting of financial means as well as investments, and joint ventures in connection with the sale, the delivery, the export, the transit, the development, the production, or the use of arms and goods pursuant to Schedule 3 are prohibited.

4) The acquisition, the purchase, the import, the transit, the transportation, and the brokering of arms and goods pursuant to Schedule 3 from Iran are prohibited.

5) The prohibitions pursuant to Para. 1 through 4 shall not apply to armoured vehicles for the protection of the diplomatic and consular

⁸ Art. 4 Para. 6 amended by LGBL 2016 No. 206.

⁹ Art. 4 Para. 7 inserted by LGBL 2016 No. 206.

¹⁰ Art. 4 Para. 8 inserted by LGBL 2016 No. 206.

personnel of Switzerland and the temporary export of protective gear, including bullet-proof vests and helmets, for personal use by the personnel of the United Nations, the European Union, Switzerland, media representatives, or humanitarian personnel.

6) The Government or - within the scope of its jurisdiction - the SECO may authorise exceptions from the prohibitions pursuant to Para. 1 through 4 for:¹¹

- a) non-lethal military equipment destined exclusively for humanitarian or protective purposes, for programmes of the United Nations, the European Union, or Switzerland for the building of institutions or for crisis management;
- b) hunting and sporting arms and ammunition, accessories and spare parts for these.

7) Applications for authorisation shall be submitted to the Financial Intelligence Unit.

Art. 6

Prohibitions concerning surveillance equipment, technology, and software

1) The sale, the delivery, the export, and the transit of equipment, technology, and software pursuant to Schedule 4 that can be used for monitoring and tapping the Internet and telephone connections to Iranian persons or organisations or for use in Iran are prohibited.

2) The providing of technical assistance or brokering services as well as the granting of financing in connection with the sale, the delivery, the export, the transit, the providing, the production, the maintenance, and the use of goods pursuant to Para. 1 are prohibited.

3) It is prohibited to render services concerning the monitoring and tapping of the Internet and of telephone connections for the Iranian government, for public institutions, enterprises, or agencies of Iran, and for persons or organisations acting on their behalf or on their instruction.

4) The Government or - within the scope of its jurisdiction - the SECO shall authorise exceptions from the prohibitions pursuant to Para. 1 and 2 if it is ensured that the goods and services concerned are not used for monitoring and tapping the Internet and telephone connections.

¹¹ Introductory sentence of Art. 5 Para. 6 amended by LGBL 2016 No. 206.

Applications to such effect shall be submitted to the Financial Intelligence Unit.¹²

III. Restrictions to financing and participation

Art. 7

Requirement of authorisation for participations

1) Enterprises which want to enter into agreements with Iranian persons or organisations on the acquisition of participations or on the establishment of joint ventures shall require authorisation for this if they:

- a) work in uranium mining; or
- b) develop or produce the following goods, technologies or software:
 1. nuclear materials as defined in Art. 1 of the Swiss Nuclear Energy Ordinance of 10 December 2004 (*Kernenergieverordnung*, KEV),
 2. goods, technology, or software pursuant to Schedule 2 Part 1 of the Swiss Goods Control Ordinance of 25 June 1995 (GKV),
 3. goods, technology, or software pursuant to Schedule 2 (2).

2) Enterprises pursuant to Para. 1 must obtain authorisation for accepting loans or credit from Iranian persons or organisations.

3) The Government shall grant such authorisation if the activity is consistent with the JCPOA.

4) Where this is required as a result of Resolution 2231 (2015) of the United Nations Security Council, the Government or - within the scope of its jurisdiction - the SECO shall obtain a statement from the Security Council or from the Joint Commission under the JCPOA.

5) Applications for authorisation shall be submitted to the Financial Intelligence Unit.

¹² Art. 6 Para. 4 amended by LGBL 2016 No. 206.

IV. Freezing of funds and prohibition of provision

Art. 8

Freezing of funds and economic resources

1) Funds and economic resources that are owned by or under the direct or indirect control of individuals, enterprises, and organisations pursuant to Schedules 5 through 7 are frozen.

2) It is prohibited:

- a) to transfer funds to the individuals, enterprises, and organisations pursuant to Para. 1 or to provide them with funds and economic resources in any other way, be it directly or indirectly;
- b) to provide special payment transaction services that may be used for the exchange of financial data to individuals, enterprises, and organisations pursuant to Para. 1.

3) The Government may authorise payments from frozen accounts, transfers of frozen assets, or the release of frozen economic resources as an exception in order to:

- a) avoid hardship cases;
- b) fulfil existing agreements;
- c) fulfil claims that are the subject of an existing decision by a court, an administrative office, or a court of arbitration;
- d) carry out the official activities of Iranian diplomatic missions or consular posts;
- e) pay reasonable fees and reimburse costs in connection with the rendering of legal services;¹³
- f) pay fees or costs for services for the routine safekeeping or administration of frozen funds or economic resources;¹⁴
- g) implement the JCPOA; or¹⁵
- h) safeguard Liechtenstein interests.¹⁶

4) The Government shall authorise exceptions pursuant to Para. 3 in accordance with the relevant resolutions of the United Nations Security Council if these are applicable.

¹³ Art. 8 Para. 3 (e) amended by LGBL 2016 No. 24.

¹⁴ Art. 8 Para. 3 (f) amended by LGBL 2016 No. 24.

¹⁵ Art. 8 Para. 3 (g) inserted by LGBL 2016 No. 24.

¹⁶ Art. 8 Para. 3 (h) inserted by LGBL 2016 No. 24.

5) Applications for authorisation shall be submitted to the Financial Intelligence Unit.

Art. 9

Reporting duties regarding frozen assets

1) Any individuals, enterprises, and organisations holding or managing funds or knowing of economic resources which must be assumed to fall under the freeze laid down in Art. 8 Para. 1 must report this to the FIU forthwith.

2) The reports must contain the names of the beneficiaries and the subject and value of the funds and economic resources.

V. Further restrictions

Art. 10

Restrictions concerning Iranian cargo aircraft

1) It is prohibited to provide technical services or maintenance services for cargo aircraft that are owned by or under the direct or indirect control of Iranian persons or organisations if the service provider knows or presumes that the cargo aircraft transports goods the delivery, import, export, or transit of which is prohibited under this Ordinance.

2) The prohibition pursuant to Para. 1 shall apply until the cargo has been examined and, if necessary, seized or disposed.

3) The prohibition pursuant to Para. 1 shall not apply if rendering the service is necessary for humanitarian purposes or for safety reasons.

4) The costs caused by seizure and disposal may be imposed on the importer or be claimed from any other person or organisation responsible for the attempted illegal delivery, attempted illegal sale, or attempted illegal export or transit.

Art. 11

Prohibition of entry and transit

- 1) The individuals listed in Annexes 5 through 7 are prohibited from entering or transiting through Liechtenstein.
- 2) The Government may in agreement with the Resolutions of the competent Committee of the United Nations Security Council grant exceptions for the individuals listed in Schedule 5.
- 3) The Government may grant exceptions for the individuals listed in Schedules 6 and 7:
 - a) for proven humanitarian reasons;
 - b) for the purpose of participating in meetings of international bodies or in a political dialogue concerning Iran; or
 - c) to safeguard Liechtenstein interests.
- 4) Applications for exemption shall be submitted to the Immigration and Passport Office.

Art. 12

Prohibition from fulfilling certain claims

It is prohibited to fulfil claims of the following individuals, enterprises, and organisations if such claims are based on an agreement or transaction the performance of which has been directly or indirectly prevented or inhibited by measures pursuant to this Ordinance, the Ordinance of 1 February 2011 on Measures concerning the Islamic Republic of Iran, or the Ordinance of 13 February 2007 on Measures concerning the Islamic Republic of Iran:

- a) Iranian persons or organisations;
- b) individuals, enterprises, and organisations pursuant to Schedules 5 through 7;
- c) individuals, enterprises, and organisations acting on instruction or for the benefit of persons or organisations pursuant to (a) or (b).

VI. Enforcement and penal provisions

Art. 13

Control and enforcement

1) Subject to the Government's jurisdiction, the Financial Intelligence Unit shall enforce Art. 3 through 10 and 12. It shall in particular review the applications for exemption and shall forward them - if necessary, after consulting other offices concerned - to the Government with its recommendation.

2) The Immigration and Passport Office shall enforce Art. 11. It shall in particular review the applications for exemption and shall forward them - if necessary, after consulting other offices concerned - to the Government with its recommendation.

3) The competent Liechtenstein authorities shall take the measures necessary to freeze economic resources, such as by noting a prohibition of disposal in the Land Register or by attaching or sealing luxury goods.

4) Jurisdiction of the Swiss authorities shall remain reserved.

Art. 14

Penal provisions

1) Anyone who violates Art. 3 through 8 or 10 through 12 shall be punished pursuant to Art. 10 ISG unless penal provisions of Swiss legislation applicable in Liechtenstein concerning war materiel, goods control, and embargoes apply.

2) Anyone who violates Art. 9 shall be punished pursuant to Art. 11 ISG.

VII. Final provisions

Art. 14a¹⁷

Automatic adoption of lists of the individuals, enterprises, and organisations that are the subject of measures

The lists issued or updated by the United Nations Security Council concerning individuals, enterprises, and organisations (Schedule 5) shall be adopted automatically

Art. 15

Repealing of current law

The Ordinance of 1 February 2011 on Measures concerning the Islamic Republic of Iran, LGBL 2011 No. 55, as amended, is repealed.

Art. 16

Entering into force

This Ordinance shall enter into force on 19 January 2016 at 18.00 hours.

Princely Government:
signed *Adrian Hasler*
Princely Prime Minister

¹⁷ Art. 14a inserted by LGBL 2017 No. 259.