

Translation of Liechtenstein Law

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Act
of 6 December 2018
**on the Register of the Beneficial Owners of
Domestic Legal Entities (VwEG)**

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

I. General provisions

Art. 1

Subject and purpose

1) For the purpose of fighting money laundering, predicate offences to money laundering, and terrorist financing, this Act regulates the following in particular:

- a) the duties of domestic legal entities and persons subject to due diligence to obtain, retain, and forward information on beneficial owners;
- b) the keeping of the Register of Beneficial Owners of Domestic Legal Entities;
- c) the processing and disclosure of data;
- d) the levying of fees.

2) It serves to implement Art. 30 and 31 of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No.

648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC ([OJ L 141, 5.6.2015, p. 73](#)).

Art. 2

Definitions

1) In this Act, the following definitions apply:

- a) “beneficial owner of domestic legal entities pursuant to Schedule 1”: such natural persons as:
 1. ultimately directly or indirectly hold or control an ownership interest or voting rights of more than 25% in such legal entities;
 2. ultimately directly or indirectly participate with more than 25% in the profits of such legal entities;
 3. in any other way control (Item c) these legal entities or their management;
 4. are members of the supreme governing body if, after all options have been exhausted and there are no grounds for suspicion, no persons pursuant to Items 1 to 3 can be identified;
- b) “beneficial owner of domestic legal entities pursuant to Schedule 2”: natural persons who ultimately own or control (Item c) the legal entity, including:
 1. the settlor;
 2. the trustee;
 3. the protector, if applicable;
 4. the beneficiaries or, if the natural persons who are the beneficiaries of the legal arrangement or juristic person are yet to be determined, the group of persons in whose interest the legal arrangement or juristic person is primarily established or operated;
- c) “control”: the right or the option of:
 1. disposing of the legal entity’s assets;
 2. amending the provisions that characterise the legal entity;
 3. changing benefits; or
 4. directing the exercise of the options for control in terms of Items 1 through 3;

d) “legal entity”: a juristic person, a trust enterprise, or a trust.

2) The designations of persons, functions, and professions in this Act shall be understood to include members of the male and female gender.

II. Duties of domestic legal entities and persons subject to due diligence

Art. 3

Duties of domestic legal entities

1) Domestic legal entities pursuant to Schedule 1 are obliged to obtain and retain the information in terms of Para. 2 concerning their beneficial owners as well as accurate information concerning their economic interest in terms of Para. 3. The retaining duties shall be subject to Art. 1059 PGR (*Personen- und Gesellschaftsrecht*, Persons and Companies Act) mutatis mutandis.

2) The information concerning the beneficial owners shall include:

- a) with natural persons: name, first name, date of birth, country of residence, and nationality;
- b) with domestic legal entities: company number, name or firm name, legal form, domicile and address;
- c) with foreign legal entities: company number, name or firm name, legal form, domicile and address, date of formation, if applicable the place and date of registration in the commercial register, and the information concerning the beneficial owners.

3) As to the information on economic interest, the accurate information in terms of Art. 2 Para. 1 (a) shall be obtained.

4) The domestic legal entities pursuant to Schedule 1 shall verify the correctness of the information pursuant to Para. 1 to 3 and shall document the determination of the beneficial owners.

5) They shall provide the Office of Justice with the information pursuant to Para. 1 to 3 within 30 days from their entry in the Commercial Register. Any changes to the information shall be notified to the Office of Justice within 30 days from knowledge.

6) The domestic legal entities pursuant to Schedule 1 shall provide the persons subject to due diligence (Art. 3 SPG [*Sorgfaltspflichtgesetz*, Due Diligence Act]) with information on the beneficial owner in addition to the information on the legal owner, as far as duties under due diligence legislation apply to the person subject to due diligence.

7) The Government shall regulate details by way of ordinance, in particular concerning:

- a) the obtaining, retaining, and verification of information pursuant to Para. 1 to 3;
- b) the form and the manner of the notice pursuant to Para. 5.

Art. 4

Duties of persons subject to due diligence

1) Persons subject to due diligence (Art. 3 SPG) are obliged to obtain and retain the information pursuant to Para. 3 on beneficial owners for the domestic legal entities pursuant to Schedule 2 managed by them.

2) If there is no person subject to due diligence pursuant to Para. 1, the members of the management or the trustees (Art. 897 PGR) shall be under the obligation pursuant to Para. 1 for the domestic legal entities managed by them. The retaining duties shall be subject to Art. 1059 PGR *mutatis mutandis*.

3) The information concerning the beneficial owners shall include:

- a) with natural persons: name, first name, date of birth, country of residence, and nationality;
- b) with domestic legal entities: company number, name or firm name, legal form, domicile and address;
- c) with foreign legal entities: company number, name or firm name, legal form, domicile and address, date of formation, if applicable the place and date of entry in the commercial register, and the information concerning the beneficial owners.

4) The persons subject to due diligence or the persons pursuant to Para. 2 shall verify the correctness of the information pursuant to Para. 3 and shall document the determination of the beneficial owners.

5) They shall provide the Office of Justice with the information pursuant to Para. 3 within 30 days from the entry of the legal entity in the Commercial Register or from the submission of the notice of formation in

the case of foundations not registered in the Commercial Register or, as the case may be, from the deposit of the trust deed with trusts not registered in the Commercial Register. Any changes to the information shall be notified to the Office of Justice within 30 days from knowledge.

6) Trustees shall disclose their status to the persons subject to due diligence and shall promptly provide the information pursuant to Para. 3 if they establish a business relationship or carry out an occasional transaction (Art. 2 Para. 1 (3) SPG).

7) The Government shall regulate details by way of ordinance, in particular concerning:

- a) the obtaining, retaining, and verification of information pursuant to Para. 1 to 3;
- b) the form and the manner of the notice pursuant to Para. 5.

III. Keeping the Register

Art. 5

Fundamentals

1) The Office of Justice shall keep a Register of Beneficial Owners of Domestic Legal Entities pursuant to Schedule 1 and 2.

2) The Register shall be kept in German, subject to the registration of the wording of a legal entity's firm name, name, or designation in a foreign language.

3) Extracts and certifications from the Register shall not have irrebuttable presumption of accuracy.

Art. 6

Nature of the Register

1) The following information shall be entered in the Register in a systematic manner on the basis of the notices pursuant to Art. 3 Para. 5 and Art. 4 Para. 5:

- a) the domestic legal entities and the beneficial owners associated with them;

b) for domestic legal entities pursuant to Schedule 1, the information pursuant to Art. 3 Para. 3 in addition.

2) The Government shall regulate by ordinance the details concerning the contents of the Register.

Art. 7

Review for completeness of the information given

1) Before making an entry in the Register, the Office of Justice shall review the information given pursuant to Art. 3 Para. 2 and 3 and Art. 4 Para. 3 for completeness.

2) If information is missing or incomplete, the Office of Justice may set a time-limit of no more than 14 days for providing the missing or incomplete information.

3) The Office of Justice may also request missing or incomplete information pursuant to Art. 4 Para. 3 directly from the legal entity, setting a time-limit of no more than 14 days.

IV. Data protection

A. General

Art. 8

Fundamentals

Unless prescribed otherwise, data protection shall be subject to the provisions of data protection legislation.

B. Data processing

Art. 9

Processing and security of data

1) The Office of Justice shall keep the Register exclusively for the purpose of fighting money laundering, predicate offences to money laundering, and terrorist financing as laid down in this Act. The data must not be processed for any other purposes.

2) Within the framework of the discharge of its duties under this Act, the Office of Justice shall have authority to process the information and personal data to be entered in the Register.

3) The information and personal data to be entered in the Register shall be protected by suitable technical and organisational measures from unauthorised or unlawful processing, unintended loss, unintended destruction, or unintended damage.

4) Personal data shall be deleted from the Register by the Office of Justice no later than one year after the deletion of the legal entity from the Commercial Register, or in the case of legal entities not entered in the Commercial Register, after their termination.

5) For the purposes of the data protection control, every processing of data in the Register shall be recorded. On request, the record data shall be forwarded to the Data Protection Office forthwith. Record data may only be processed for the purpose of data protection control by the Data Protection Office and to ensure data security. The record data must not be processed for any other purposes. The following shall be recorded:

- a) the time of data processing;
- b) the persons processing the data; and
- c) the purpose and manner of data processing.

6) Record data shall be retained for a period of three years and shall then be deleted.

7) The Government shall regulate by ordinance the details concerning data processing and data security, in particular:

- a) the measures to ensure the secure disclosure of data;

- b) the operation of the Register, access to the data, authority to process, the retaining, archiving, and deletion of data, and the recording of requests.

C. Disclosure of data

Art. 10

Disclosure of data to authorities in retrieval procedure

1) In individual cases, the FIU, the FMA, and the Prosecution Service may promptly and without limitation access the data on legal entities pursuant to Schedule 1 and 2 contained in the Register as far as such access is necessary for the purpose of fighting money laundering, predicate offences to money laundering, and terrorist financing. It shall be ensured that the legal entities concerned are not warned of the retrieval of data.

2) Subject to special legal provisions, the rights of the data subjects pursuant to Art. 13 to 16, 18, and 21 of Regulation (EU) 2016/679 shall not apply as far as compliance would disclose information that must be kept secret because of prevailing justified interests of the Office of Justice, the FIU, the FMA, the Prosecution Service, or third parties. Art. 33 Para. 2 and Art. 34 Para. 2 of the Data Protection Act shall apply *mutatis mutandis*.

3) For every retrieval pursuant to Para. 1, the Office of Justice shall record the time of retrieval, the data viewed or retrieved, and the identity of the person making the retrieval. Following the end of each calendar year, the Office of Justice shall report to the Government on the data retrievals made.

4) The Government shall regulate by ordinance the details on the disclosure of data to authorities.

Art. 11

Disclosure of data to persons subject to due diligence

1) The Office of Justice shall on application, promptly, and for a fee disclose the data contained in the Register on legal entities pursuant to Schedule 1 to persons subject to due diligence within the framework of the discharge of their due diligence duties under the SPG.

2) The application in terms of Para. 1 shall be submitted to the Office of Justice using an official form. The following shall be included with the application:

- a) the declaration of consent by the legal entity concerned to the disclosure, or proof of the exercise of an activity subject to due diligence; and
- b) if applicable, information of the legal entity concerning the applicability of a reason for denial pursuant to Para. 3.

3) The Office of Justice may deny disclosure if:

- a) the application does not contain all required information and documents pursuant to Para. 2;
- b) disclosure would expose the beneficial owner to the risk of fraud, abduction, blackmail, violence, or intimidation; or
- c) the beneficial owner is a minor or legally incapacitated in any other way.

4) Disclosure must not be denied if the applying person subject to due diligence is a bank or a financial institution.

5) The Government shall regulate by ordinance the details on the disclosure of data to persons subject to due diligence.

Art. 12

Disclosure of data to third parties

1) Persons and organisations may for a fee demand the disclosure of the data of legal entities pursuant to Schedule 1 contained in the Register.

2) The application shall be submitted to the Office of Justice using an official form. The following information and documents shall be included with the application:

- a) information on the applicant:
 1. with natural persons: name, first name, and address;
 2. with legal entities and organisations: firm name, name or designation, object and domicile of the legal entity or organisation, as well as the name, first name, and address of the natural person authorised to represent it; the authorisation for representation must be in writing;
- b) information on the intended use of the requested information;

- c) proof of justified interest in connection with fighting money laundering, predicate offences to money laundering, and terrorist financing;
- d) proof of payment of the fee.

3) The Office of Justice shall forward the application for decision of the VwEG Commission.

4) The VwEG Commission may deny disclosure if:

- a) a reason for denial pursuant to Art. 11 Para. 3 applies;
- b) there is no justified interest pursuant to Para. 2 (c); or
- c) the fee has not been paid.

5) The Office of Justice shall forward the decision of the VwEG Commission to the legal entity concerned and to the person or organisation pursuant to Para. 1. The data shall be disclosed by the Office of Justice after the decision has become final.

6) The Government shall regulate by ordinance the details on the disclosure of data to persons and organisations.

D. VwEG Commission

Art. 13

Organisation and duties

1) The Government shall appoint a VwEG Commission consisting of three members and three deputies. The Government shall determine the chair and the vice-chair; both must be legally qualified. The term of office shall be four years. Re-appointment shall be possible.

2) Expertise in financial services and in data protection shall be represented in the Commission. The members shall be independent in the exercise of their function.

3) The Commission shall have the duties assigned to it in Art. 12.

4) The Government shall regulate by ordinance the details on the organisation and duties of the Commission. The Commission shall issue rules of procedure.

E. Data protection rights

Art. 14

Right of data subjects to receive information

The right of data subjects to information on the personal data processed pursuant to this Act shall be subject to Art. 15 of Directive (EU) 2016/679. The right to information shall not apply to record data pursuant to Art. 9 Para. 5 and data in connection with retrieval pursuant to Art. 10 Para. 1 and 2.

V. Fees

Art. 15

Fundamentals

1) The Office of Justice and the VwEG Commission shall levy fees in the framework of their competences under this Act, in particular for:

- a) activities in connection with keeping the Register pursuant to Art. 5 to 7;
- b) the disclosure of data pursuant to Art. 11 and 12.

2) The Government shall regulate by ordinance the details concerning fees, in particular their amount.

VI. Appeal

Art. 16

Complaint

1) Decrees or decisions of the Office of Justice or the VwEG Commission shall be subject to appeal by complaint to the Complaint Commission for Administrative Matters within 14 days from service.

2) Decisions of the Complaint Commission for Administrative Matters shall be subject to appeal by complaint to the Administrative Court of Justice within 14 days from service.

VII. Penal provisions

Art. 17

Contravention

1) Unless the act in question constitutes an offence that is subject to the jurisdiction of the courts of law, the Office of Justice shall impose a fine of up to 200,000 Swiss francs for contravention on anyone who:

- a) does not or not in time comply with his duties pursuant to Art. 3, 4, or 19;
- b) does not comply in time with a request from the Office of Justice pursuant to Art. 7 Para. 2;
- c) unlawfully obtains access to the Register;
- d) by misrepresentation dishonestly obtains information from the Office of Justice or from the VwEG Commission;
- e) uses information contrary to the purpose stated in the application pursuant to Art. 12 Para. 2 (b).

2) If the offence is committed negligently, the upper limit of the fine shall be reduced by one half.

VIII. Transitional and final provisions

Art. 18

Implementation ordinances

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

Art. 19

Transitional provisions

1) Domestic legal entities pursuant to Schedule 1 that are already in existence when this Act enters into force shall provide the Office of Justice with the information pursuant to Art. 3 Para. 2 and 3 within six months from the date this Act enters into force.

2) Persons subject to due diligence and persons pursuant to Art. 4 Para. 2 must provide the Office of Justice within six months from the date this Act enters into force with the information pursuant to Art. 4 Para. 3 for the domestic legal entities pursuant to Schedule 2 that exist when this Act enters into force and are managed by them.

Art. 20

Entering into force

This Act shall enter into force concurrently with the Decision of the EEA Joint Committee for the adoption of Directive (EU) 2015/849.²

On behalf of the Prince:
signed *Alois*
Hereditary Prince:

signed *Adrian Hasler*
Head of the Princely Government

Schedule 1

(Art. 2, 3, 5, 6, 10 to 12, and 19)

List of domestic legal entities

1. Associations (*Vereine*, Art. 246 et sqq. PGR), as far as they are subject to registration;
2. Public limited companies (*Aktiengesellschaften*, Art. 261 et sqq. PGR);
3. Partnership limited by shares (*Kommanditaktiengesellschaften*, Art. 386 et sqq. PGR);
4. Mining companies (*Anteilsgesellschaften*, Art. 375 et sqq. PGR);
5. Private limited companies (*Gesellschaften mit beschränkter Haftung*, Art. 389 et sqq. PGR);
6. Co-operative societies (*Genossenschaften*, Art. 428 et sqq. PGR);
7. Mutual insurance companies (*Versicherungsvereine auf Gegenseitigkeit*) and relief funds (*Hilfskassen*) (Art. 496 et sqq. PGR);
8. Establishments (*Anstalten*, Art. 534 et sqq. PGR), as far as they are not covered by Schedule 2;
9. Public-welfare undertakings (*gemeinwirtschaftliche Unternehmungen*, Art. 571 et sqq. PGR);
10. Trust enterprises (Trust reg., *Treuunternehmen*, Art. 932a PGR), as far as they are not covered by Schedule 2;
11. European economic interest groupings (EEIG);
12. Societates Europaeae (SE);
13. European Cooperative Societies (Societates Cooperativae Europaeae, SCE);

Schedule 2

(Art. 2, 4, 5, 10, and 19)

**List of domestic legal entities
managed by persons subject to due diligence**

1. Trusts (*Treuhänderschaften*; Art. 897 et sqq. PGR);
2. Establishments (*Anstalten*) organised similarly to foundations (Art. 543 Para. 1 sentence 2 PGR) and establishments whose beneficiaries are third parties (Art. 545 Para. 1bis PGR);
3. Foundations (*Stiftungen*, Art. 552 § 1 PGR);
4. Trust enterprises (*Treuunternehmen*, Trust reg.) organised similarly to foundations (Art 932a PGR).

¹ Report and motion plus statement by the Government No. 70/2018 and 101/2018

² Entered into force on 1 August 2019 (LGBL. [Law Gazette] 2019 No. 188).