

## Translation of Liechtenstein Law

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## Liechtenstein Law Gazette

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### Business Act (GewG)

of 22 June 2006

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

#### I. General provisions

##### Article 1

##### *Object and purpose*

1) This Act:

- a) taking into consideration the freedom of trade and commerce, sets out the conditions for carrying out business activities;
- b) determines the minimum requirements for carrying out business activities for the protection of the public;
- c) ensures that the competitiveness of Liechtenstein business is preserved and strengthened by securing a high quality standard.

2) The Act also serves to implement Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (EEA Compendium of Laws: Annex VII - 1.01).<sup>1</sup>

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<sup>1</sup> Article 1(2) inserted by LGBL 2010 No. 337.

## Article 2

*Scope of application*

1) Subject to Article 3, this Act applies to all business activities not prohibited by law.

2) An activity is deemed a business activity if it is carried out on a self-employed and regular basis with the intent to achieve income or other economic advantage, irrespective of the intended purpose of that advantage.

3) For the purposes of this Act, an activity is self-employed if it is carried out at own risk and for own account.

4) A one-time act may also be considered a regular activity if, according to the circumstances of the case, the intent to repeat the act can be assumed or if the act requires an extended period of time.

5) The intent to achieve income or other economic advantage may also be assumed in the case of associations if the activity of the association gives the appearance of business operations and this activity is aimed directly or indirectly at attaining pecuniary advantages for the members of the association. It is assumed that there is intent to achieve income or other economic advantage if an association carries out an activity for more than a total of 52 days in a year that would fall within the scope of application of this Act if the activity were a business activity. The activity may not be performed more frequently than once a week, and on an exceptional basis for at most four consecutive days once a year.<sup>2</sup>

## Article 3

*Exceptions from the scope of application*

This Act shall not apply to:

- a) agricultural production including the sale of agricultural products and para-agricultural activities;
- b) artistic and scientific activity and the right of authors to self-publish;
- c) the publication of newspapers and magazines;

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<sup>2</sup> Article 2(5) amended by LGBl. 2010 No. 337.

- d) the business-like work of non-profit workshops offering services for the disabled;
- e) the activity of physicians, the exercise of professions under the Public Health Act and the Veterinary Health Professions Act, and the trade in therapeutic products, pharmaceutical raw materials, and poisons;<sup>3</sup>
- f) the activity of lawyers, legal agents, patent lawyers, professional trustees, auditors, financial consultants, business consultants, and tax consultants;
- g) the exercise of professions in private instruction and education and the operation of institutions serving those purposes, as well as the business-like work of public schools or private schools operating with public status;
- h) the activity of architects and other qualified professionals in the field of construction;<sup>4</sup>
- i) the activity of banks and investment firms, insurance undertakings, pawnshops, undertakings for collective investment in transferable securities and their management companies, investment undertakings and their management companies, alternative investment funds and their managers (AIFMs), and other business partners authorised under the AIFM Act, asset management companies, insurance intermediaries, and payment service providers;<sup>5</sup>
- k) the operation of theatres and expositions of all kinds as well as public entertainment;
- l) the activity of pedlars and itinerant trade;
- m) private job placement and temporary employment services;
- n) the operation of railways;
- o) the activity of mediators under the Civil Mediation Act;
- p) the activity of freight and passenger transport companies;
- q) the trade and manufacture of weapons and ammunition as well as the operation of shooting ranges.<sup>6</sup>
- r) the operation of gambling games under the Gambling Act.<sup>7</sup>

<sup>3</sup> Article 3(e) amended by LGBl. 2017 No. 38.

<sup>4</sup> Article 3(h) amended by LGBl. 2008 No. 189.

<sup>5</sup> Article 3(i) amended by LGBl. 2016 No. 59.

<sup>6</sup> Article 3(q) inserted by LGBl. 2008 No. 276.

<sup>7</sup> Article 3(r) inserted by LGBl. 2010 No. 240.

Article 4<sup>8</sup>*Definition and designations*

- 1) The definitions set out in Article 3 of Directive 2005/36/EC shall apply to this Act.
- 2) The designations used in this Act to denote persons and functions include persons of male and female gender.

**II. Classification of trades**

## Article 5

*Qualified and simple trades*

- 1) Qualified trades are trades requiring proof of professional competence (Article 10) due to a special need for protection. All other trades are considered to be simple trades.
- 2) The Government shall determine the qualified trades by ordinance after hearing the professional and business associations.

## Article 6

*Combined trades*

- 1) Combined trades are trades composed of at least two individual qualified trades that are comparable due to their use of tools and machines as well as the type of work to be performed and the required expertise.
- 2) Anyone providing proof of professional competence (Article 10) for an individual qualified trade belonging to a combined trade shall be entitled to carry out all individual qualified trades belonging to the combined trade.
- 3) The Government shall determine the combined trades by ordinance after hearing the professional associations and business associations.

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<sup>8</sup> Article 4 amended by LGBl. 2010 No. 337.

Article 6a<sup>9</sup>*Industrial operations*

A trade is carried out in the form of an industrial operation if the operation:

- a) employs at least fifty employees;
- b) uses a multitude of machines and technical facilities;
- c) carries out activities that cannot be classified as a craft, commerce, or service.

**III. Licence****A. Licensing requirement and conditions****1. General provisions**

## Article 7

*Licensing requirement*

1) Anyone intending to carry out a business activity within the meaning of Article 2 requires a licence issued by the Office of Economic Affairs (business licence), subject to Articles 20 to 23.

2) The business licence is personal and non-transferable.

3) The Government is authorised to provide by ordinance for exceptions from the licensing requirement for simple trades.<sup>10</sup>

## Article 8

*Licensing conditions*

1) A business licence shall be granted if the applicant:

- a) is capable of acting;
- b) is reliable (Article 9);

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<sup>9</sup> Article 6a inserted by LGBl. 2010 No. 337.

<sup>10</sup> Article 7(3) inserted by LGBl. 2010 No. 344.

- c) is the national of an EEA Member State or Switzerland or, as a national of a third country, has maintained uninterrupted residence in Liechtenstein for at least 12 years;
- d) has the professional competence necessary to carry out a qualified trade (Article 10);
- e) has business premises in Liechtenstein and the necessary staffing (Article 11);
- f) has designated an address for service in Liechtenstein; this may in particular be the address of the permanent establishment in Liechtenstein or of a representative appointed in accordance with the provisions of the Law on Persons and Companies;
- g) has the necessary knowledge of the German language.

2) A business licence is granted to legal persons with legal capacity as well as general and limited partnerships if they meet the conditions set out in paragraph 1(b), (e), and (f) and appoint a general manager (Article 12) and, where necessary, an operations manager (Article 12a). This also applies to branches of legal persons or general or limited partnerships with registered offices abroad.<sup>11</sup>

3) For trades carried out in the form of an industrial operation, no proof of professional competence (Article 10) is required.<sup>12</sup>

#### Article 9

##### *Reliability*

1) Natural persons shall be excluded from carrying out a business activity if:

- a) they have been sentenced by a court for fraudulent bankruptcy, injury to third-party creditors, favouring of a creditor, or grossly negligent interference with creditor interests (§§ 156 to 159 of the Criminal Code) or for any other act with a sentence of imprisonment exceeding three months or a monetary penalty exceeding 180 daily penalty units and if the sentence has not been abrogated;<sup>13</sup>

<sup>11</sup> Article 8(2) amended by LGBL 2010 No. 344.

<sup>12</sup> Article 8(3) inserted by LGBL 2010 No. 337.

<sup>13</sup> Article 9(1)(a) amended by LGBL 2007 No. 48.

- b) they have been unsuccessfully garnished; or
- c) there are other reasons giving rise to serious doubts concerning their reliability.

2) Legal persons as well as limited and general partnerships shall be excluded from carrying out a business activity if legally valid bankruptcy proceedings were not initiated due to a lack of assets sufficient to cover the costs of the bankruptcy proceedings. This also applies if a fact pattern comparable to this ground for exclusion occurred abroad.

3) A business licence may nevertheless be granted if:

- a) in the cases referred to in paragraph 1(a), the particular nature of the offence and the personality of the sentenced person do not give rise to the fear that the same or a similar offence would be committed if the person were to carry out the business activity;
- b) in the cases referred to in paragraph 1(b) and paragraph 2, it can be expected that in light of the economic situation of the applicant, the applicant will be able to honour the payment obligations associated with the business activity.

4) By signing an official form, the applicant shall declare that there are no grounds for exclusion as referred to in paragraphs 1 and 2 at the time of application.

5) The Government shall provide further details by ordinance.

#### Article 10

##### *Professional competence*

1) Professional competence for carrying out a qualified trade shall be recognised if, on the basis of specific training and practical experience, the applicant has the knowledge and abilities necessary for carrying out the trade in question.

2) By ordinance, the Government shall provide further details regarding the necessary training and practical experience for each qualified trade as well as regarding the recognition of foreign professional qualifications and attestations of competence.



## Article 11

*Permanent establishment and staffing*

1) To carry out a business activity, proof of a permanent establishment situated in Liechtenstein and proof of staffing that is appropriate in terms of both numbers and expertise must be provided.

2) In particular, the permanent establishment must have:

- a) appropriate premises and physical facilities to carry out the activities necessarily associated with the trade; and
- b) appropriate workplaces for the staff that is necessary both in terms of numbers and expertise to carry out the trade properly.

3) It is permissible to maintain several permanent establishments in Liechtenstein.

4) By ordinance, the Government may provide further specification of the requirements for permanent establishments and staffing.

## Article 12

*General manager*

1) Subject to Article 12a, the general manager shall be accountable to the licence holder for proper exercise of the trade and to the authorities for compliance with the provisions of business law and other provisions relevant to the exercise of the trade.<sup>14</sup>

2) The general manager must:

- a) meet the conditions set out in Article 8(1)(a) to (d) and (g), subject to Article 12a;<sup>15</sup>
- b) actually work for the company in a management capacity and in particular actually work in the permanent establishment with a workload corresponding to the requirements of the operation;
- c) have independent authority to direct the company, in particular through signature authority entered in the Commercial Register and full powers to issue instructions;<sup>16</sup>

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<sup>14</sup> Article 12(1) amended by LGBl. 2010 No. 337.

<sup>15</sup> Article 12(2)(a) amended by LGBl. 2010 No. 337.

<sup>16</sup> Article 12(2)(c) amended by LGBl. 2013 No. 6.

d) belong to the body of the legal person or general or limited partnership that has been appointed for the purpose of legal representation, or be a permanent employee.

3) When verifying the conditions set out in paragraph 2, the scope of operational and other obligations as well as the place of residence of the general manager shall be taken into account.

4) If several persons serve as general managers, then:

- a) each general manager must meet the conditions set out in Article 8(1)(a) to (c) and (g); and
- b) at least one general manager must meet the condition set out in Article 8(1)(d), subject to Article 12a.<sup>17</sup>

#### Article 12a<sup>18</sup>

##### *Operations manager*

1) If the general manager does not meet the condition set out in Article 8(1)(d), then an operations manager must be appointed. The operations manager shall be accountable to the licence holder and the general manager for the proper professional exercise of the trade.

2) The operations manager must meet:

- a) the conditions set out in Article 12(2)(a) and (d);
  - b) the conditions set out in Article 12(2)(b) and (c) with regard to technical management.
- 3) Article 12(3) applies *mutatis mutandis*.

## 2. In the hospitality industry

#### Article 13

##### *Licensing requirement*

- 1) A business licence is required in the hospitality industry for:

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<sup>17</sup> Article 12(4) amended by LGBl. 2010 No. 337.

<sup>18</sup> Article 12a inserted by LGBl. 2010 No. 337.

- a) serving food and beverages, especially in restaurants, dance clubs, cafés, ice cream parlours, staff cafeterias, lounges, bars, school cafeterias, snack bars and takeaways, or operations similar to snack bars;
- b) providing accommodations to guests, especially in hotels, youth hostels, or inns;
- c) operation of a party catering service.

2) The activities referred to in paragraph 1 may be carried out separately or in combination with each other.

3) No business licence is required for:

- a) serving food and beverages at refreshment facilities run by associations for individual events;
- b) serving certain food and beverages by associations to their own members and guests, subject to Article 2(5). Operating times must be limited in accordance with the association's activities;
- c) serving certain food and beverages at cultural, sporting, youth, recreational, senior, and church centres, subject to Article 2(5). Operating times must be limited in accordance with the activities of each centre;
- d) serving certain food and beverages in alpine businesses operated by citizens' or alpine cooperatives as well as in the cabins operated by the Liechtenstein Alpine Association in the alpine area.
- e) serving certain food and beverages in simple forms of operation in the immediate vicinity of winter sports facilities, especially in the Malbun and Steg ski area; the operating times must largely be limited to the operating times of the ski lifts or the times available for cross-country skiing;
- f) serving certain food and beverages in the context of a para-agricultural activity as referred to in Article 3(a);
- g) providing accommodation to at most eight guests; serving breakfast to these guests is also permitted.

4) By ordinance, the Government may determine the food and beverages that may be served in the cases referred to in paragraph 3(b) to (f).<sup>19</sup>

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<sup>19</sup> Article 13(4) amended by LGBL 2010 No. 337.

## Article 14

*Conditions*

1) Successful completion of a special examination shall serve as proof of professional competence for carrying out activities in the hospitality industry.

2) By ordinance, the Government shall set out the content, organisation, and implementation of the examination as well as conditions for admission to the examination.

3) Articles 8, 9, 11, and 12 shall apply *mutatis mutandis* to the licensing conditions.

**B. Licensing procedure**

## Article 15

*Application*

1) The application for a business licence must be addressed to the Office of Economic Affairs using an official form.

2) The application must be accompanied by the materials required as proof for the licensing conditions set out in Article 8 to 14, and the appropriate information must be provided. The Government shall provide further details by ordinance.

3) The Office of Economic Affairs may submit the application to the professional and business associations for the purpose of verifying professional competence.

## Article 16

*Grant and scope of the licence*

1) The business licence shall be granted if the applicant meets the conditions set out in Articles 8 to 14.

2) In special circumstances, the business licence may be issued for a limited time and subject to terms and conditions.

- 3) The trade referred to in the application may be carried out only after the business licence has been issued.
- 4) The business licence shall describe the licensed scope of activity.
- 5) A licence for manufacturing merchandise also includes authorisation to trade in such merchandise.

### C. Notification requirements

#### Article 17

##### *Basic principle*

- 1) The licence holder or the general manager must notify the Office of Economic Affairs in writing if:
  - a) the conditions resulting in grant of the business licence subsequently change;
  - b) the trade has no longer been carried out for an uninterrupted period of two years;
  - c) an additional permanent establishment is operated in Liechtenstein.
  - d) the business licence is suspended in accordance with Article 17a or the business activity is resumed.<sup>20</sup>
- 2) The notice must be submitted within two weeks.

### D. Suspension, expiry, and withdrawal of the licence<sup>21</sup>

#### Article 17a<sup>22</sup>

##### *Suspension*

- 1) Business licences shall be suspended pursuant to a statement renouncing exercise of the business activity for a duration of at most two years.

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<sup>20</sup> Article 17(1)(d) inserted by LGBL 2010 No. 337.

<sup>21</sup> Title preceding Article 17a inserted by LGBL 2010 No. 337.

<sup>22</sup> Article 17a inserted by LGBL 2010 No. 337.

2) The suspension shall commence upon written notification of the renunciation and deposit of the original business licence at the Office of Economic Affairs; the notification must indicate the duration of the renunciation.

3) An address for service in Liechtenstein must be designated for the period of suspension.

4) No further suspension is permissible until at least 12 months after resumption of the business activity.

#### Article 18

##### *Expiry*

1) The business licence shall expire due to:

- a) death of the licence holder;
- b) loss of the capacity to act;
- c) a written statement of renunciation;
- d) deletion of the company from the Commercial Register;<sup>23</sup>
- e) a decision to initiate liquidation of the company.

2) In the cases referred to in paragraph 1(b) to (e), expiry of the business licence shall be determined by decree.

#### Article 19

##### *Withdrawal*

The business licence shall be withdrawal if:

- a) the conditions for granting the licence are no longer met;
- b) subject to Article 17a, the trade has no longer been carried out for an uninterrupted period of at least two years;<sup>24</sup>
- c) the notification requirement set out in Article 17 has been violated;
- d) the business licence has been obtained through incorrect or misleading information or failure to disclose essential facts;

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<sup>23</sup> Article 18(1)(d) amended by LGBl. 2013 No. 6.

<sup>24</sup> Article 19(b) amended by LGBl. 2010 No. 337.

- e) repeated endangerment of the safety and health of the workforce or other persons must be feared in connection with exercise of the activity;
- f) the licensing fee is not paid.

## IV. Cross-border services

### A. EEA and Swiss nationals

#### Article 20<sup>25</sup>

##### *Authorisation*

1) Nationals of an EEA Member State or Switzerland who lawfully reside in one of those States and are entitled to carry out an activity under this Act in that State are authorised to provide cross-border services in Liechtenstein within the scope of their entitlement.

2) This is also the case if the profession or training of the service provider is not regulated in the State of establishment and if the service provider has pursued that profession on a self-employed basis for at least two out of the ten preceding years.

3) The temporary and occasional nature of the provision of services shall be assessed from case to case, especially on the basis of the duration, frequency, regular reoccurrence, and continuity of the service.

#### Article 21<sup>26</sup>

##### *Notification requirement*

1) Service providers must notify the Office of Economic Affairs in writing using an official form the first time a service is provided in Liechtenstein.

2) The notification must be renewed each year if the service provider intends to provide the service in Liechtenstein during the year in question on a temporary or occasional basis.

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<sup>25</sup> Article 20 amended by LGBl. 2010 No. 337.

<sup>26</sup> Article 21 amended by LGBl. 2010 No. 337.

3) When notifying the provision of services for the first time, the service provider must present the following documents:

- a) a certification showing that:
  - 1. the service provider lawfully carries out the activity in the State of establishment;
  - 2. the service provider is not prohibited, even temporarily, from carrying out this activity at the time the certification is presented;
- b) proof of professional competence;
- c) proof of nationality;
- d) in the cases referred to in Article 20(2), proof that the service provider has carried out the activity in question on a self-employed basis for at least two out of the ten preceding years.

4) The service may be provided only once the Office of Economic Affairs has confirmed proper notification. If no official confirmation is issued within seven days of receipt of the notification, the confirmation shall be deemed issued.

5) The service provider must notify the Office of Economic Affairs in writing of all essential changes of the situation certified in the previously presented documents and enclose the documents referred to in paragraph 3; the notification must be made within 14 days of the change.

#### Article 22<sup>27</sup>

##### *Review*

1) In the case of professions affecting public health or safety, the Office of Economic Affairs may review professional competence before the service is provided for the first time, if doing so is necessary to prevent serious endangerment of the health and safety of the service recipient.

2) Within one month and at the latest before the end of the second month after receipt of the complete materials, the Office of Economic Affairs shall inform the service provider of its decision not to review professional competence or on the result of the review.

3) If a significant difference exists between the professional competence of the service provider and the training required in Liechtenstein, and if public health or safety is endangered because of that

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<sup>27</sup> Article 22 amended by LGBL 2010 No. 337.



difference, then the provisions on compensatory measures set out in the Law on the Recognition of Professional Qualifications apply. Provision of the service must in any event be possible within a month of the decision taken in accordance with paragraph 2.

4) If the Office of Economic Affairs does not respond within the time limit specified in paragraphs 2 and 3, then the service may be provided.

5) In cases in which the professional competence of the service provider has been reviewed, the service shall be provided using the Liechtenstein professional title.

#### Article 22a<sup>28</sup>

##### *Rights and duties of service providers*

When providing services, service providers shall be subject to the same professional rules as persons in Liechtenstein authorised to carry out the activity.

#### Article 22b<sup>29</sup>

##### *Use of professional titles*

1) Service providers must provide the service using the professional title of the State of establishment. If no professional title exists in the State of establishment, service providers must indicate their formal qualifications.

2) The professional title or indication of formal qualifications must be in the official language or in one of the official languages of the State of establishment.

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<sup>28</sup> Article 22a inserted by LGBl. 2010 No. 337.

<sup>29</sup> Article 22b inserted by LGBl. 2010 No. 337.

## B. Nationals of third countries

### Article 23

#### *Authorisation*

1) Nationals of third countries who are entitled to carry out an activity under this Act in their State of origin or home State may be authorised in Liechtenstein for the cross-border provision of services if the foreign entitlement is equivalent to the Liechtenstein business licence and reciprocity exists, subject to treaty provisions to the contrary.

2) Articles 21 to 22b apply *mutatis mutandis*.<sup>30</sup>

## V. Organisation and implementation

### A. General provisions

### Article 24

#### *Execution*

1) Execution of this Act shall be the responsibility of the Office of Economic Affairs.

2) The Office of Economic Affairs shall in particular be responsible for:

- a) granting and withdrawing business licences (Articles 16 and 19);
- b) maintaining the Business Register (Article 27);
- c) inspecting businesses (Article 29);
- d) prosecuting contraventions (Article 32).

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<sup>30</sup> Article 23(2) amended by LGBL 2010 No. 337.

*Cooperation*<sup>31</sup>

## Article 25

*a) Cooperation of domestic authorities*<sup>32</sup>

1) The authorities of the State and the municipalities as well as establishments and corporations under public law must provide the Office of Economic Affairs with all information necessary for the execution of this Act.

2) Each year, the Fiscal Authority must notify the Office of Economic Affairs of the traders whose submitted materials show that they have not carried out any business activity in two consecutive tax years. At the request of the Office of Economic Affairs, the Fiscal Authority must also provide information on whether the trader has paid taxes.

3) For the performance of its duties, the Office of Economic Affairs is entitled to inspect the following registries using remote access:

- a) the Commercial Register; and<sup>33</sup>
- b) the Garnishment Register.

4) By ordinance, the Government may provide that other registers may be inspected by remote access to the extent necessary for the Office of Economic Affairs to perform its duties and doing so would not violate the provisions of data protection law.

Article 26<sup>34</sup>*b) Cooperation with foreign authorities*

The Office of Economic Affairs shall provide administrative assistance to the competent authority of another EEA Member State or – if reciprocity exists – with Switzerland, while safeguarding the confidentiality of the exchanged information, in order to facilitate application of this Act. In particular, the Office of Economic Affairs shall, upon request and while safeguarding the provisions of data protection law, inform the competent authorities of another EEA Member State or – if reciprocity exists – of Switzerland about the existence of disciplinary or criminal sanctions or other serious, precisely

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<sup>31</sup> Heading preceding Article 25 inserted by LGBl. 2010 No. 337.

<sup>32</sup> Article 25 heading amended by LGBl. 2010 No. 337.

<sup>33</sup> Article 25(3)(a) amended by LGBl. 2013 No. 6.

<sup>34</sup> Article 26 amended by LGBl. 2010 No. 337.

specified fact patterns that might have an impact on the activities covered by this Act.

## B. Business Register

### Article 27

#### *Basic principle*

1) The Office of Economic Affairs shall keep an automated register in which the data relevant to business law of the holders of business licences, general managers, and any operations managers shall be entered (Business Register). This shall include in particular:<sup>35</sup>

- a) the personal data or business name, registered office, and legal form of the licence holder as well as the personal data of the general manager and the operations manager;<sup>36</sup>
- b) the address for service;
- c) the precise designation of the trade;
- d) the location of the permanent establishment;
- e) the date of issue and duration of the business licence;
- f) administrative measures and administrative criminal sanctions.

2) The Office of Economic Affairs may process all personal data, including sensitive data, especially regarding administrative and criminal prosecutions and sanctions, as well as personality profiles that it requires to perform the duties assigned to it under this Act.

3) By ordinance, the Government shall provide further details on keeping the register, especially the data to be gathered.

### Article 28

#### *Disclosure of data*

1) The Office of Economic Affairs shall provide information to anyone about data entered in the Business Register, unless doing so would violate provisions of data protection law.

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<sup>35</sup> Article 27(1) introductory sentence amended by LGBl. 2010 No. 337.

<sup>36</sup> Article 27(1)(a) amended by LGBl. 2010 No. 337.

2) There shall be no formal requirements on the request for information.

3) The Office of Economic Affairs may make personal data from the Business Register available by remote access to other authorities designated by Government ordinance, to the extent doing so is necessary for the performance of their legal duties.

### C. Inspections and measures<sup>37</sup>

#### Article 29

##### *Inspections and duty to provide information*

1) Within the scope of its responsibilities, the Office of Economic Affairs may arrange or perform inspections and searches of businesses in order to monitor compliance with the provisions of this Act or the associated ordinances. The procedure shall be governed by the National Administration Act.

2) The holders of business licences and their staff are required to provide all information to the Office of Economic Affairs that is required for a proper inspection.

#### Article 29a<sup>38</sup>

##### *Closure of businesses*

The Office of Economic Affairs may order the closure of businesses in which business activities are being carried out without a business licence.

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<sup>37</sup> Title preceding Article 29 amended by LGBl. 2010 No. 337.

<sup>38</sup> Article 29a inserted by LGBl. 2010 No. 337.

Article 29b<sup>39</sup>*Exclusion of service provider*

A service provider violating the notification requirement set out in Article 21 may be excluded from the cross-border provision of services for a duration of at most one year.

**D. Fees**

## Article 30

*Fees*

- 1) Fees shall be levied for official acts of the Office of Economic Affairs, especially for the grant of business licences.
- 2) The Government shall provide further details on the levy of fees by ordinance.

**E. Opening times of businesses**

## Article 31

*Opening times*

- 1) By ordinance, the Government shall determine the opening times on workdays for the businesses subject to this Act, especially shops and petrol stations. The Government shall in particular take into account the needs of the tradespersons and customers as well as the needs of the public for rest.
- 2) On Sundays and holidays, businesses must in principle be kept closed. By ordinance, the Government shall provide exceptions taking into account the basic principles set out in paragraph 1; the Government may require a licence for a business to stay open.

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<sup>39</sup> Article 29b inserted by LGBl. 2010 No. 337.

3) When determining the opening times for businesses in the hospitality industry, the Government shall take into account the need to safeguard normal sleeping hours.

4) This article is subject to the provisions of labour law.

## VI. Penal provisions; legal remedies

### A. Penal provisions

#### Article 32

##### *Contraventions*

1) Anyone who wilfully commits the following contraventions shall be punished by the Office of Economic Affairs with a fine of up to 20,000 francs:

- a) carrying out a business activity without a business licence;
- b) obtaining a business licence through incorrect or misleading information or failure to disclose essential facts;
- c) failing to maintain a permanent establishment in accordance with Article 11;
- d) failing to appoint a general manager or operations manager in accordance with Article 8(2) and Article 12 or Article 12a;<sup>40</sup>
- e) failing to comply with the duty to provide information in accordance with Article 29(2).<sup>41</sup>

2) Anyone who wilfully commits the following contraventions shall be punished by the Office of Economic Affairs with a fine of up to 5,000 francs:

- a) failing to designate an address for service in Liechtenstein;
- b) failing to actually work for the company in a management capacity as the general manager or operations manager (Article 12(2)(b) and Article 12a(2)(b));<sup>42</sup>

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<sup>40</sup> Article 32(1)(d) amended by LGBl. 2010 No. 337.

<sup>41</sup> Article 32(1)(e) inserted by LGBl. 2010 No. 337.

<sup>42</sup> Article 32(2)(b) amended by LGBl. 2010 No. 337.

- c) violating the notification requirement set out in Article 17, 21, and 23(2);<sup>43</sup>
- d) violating ordinance provisions whose contravention has been declared punishable.

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

4) This article is subject to criminal responsibility arising from other provisions of criminal law.

#### Article 33

##### *Responsibility*

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

## **B. Legal remedies**

#### Article 34

##### *Complaint*

1) Decisions and decrees of the Office of Economic Affairs may be appealed by way of complaint to the Government within 14 days of service.

2) Decisions and decrees of the Government may be appealed by way of raising an objection to the Government or by way of complaint to the Administrative Court within 14 days of service.

3) The procedure shall be governed by the provisions of the National Administration Act.

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<sup>43</sup> Article 32(2)(c) amended by LGBl. 2010 No. 337.



## VII. Transitional and final provisions

### Article 35

#### *Implementing ordinances*

The Government shall issue the ordinances necessary for implementation of this Act, in particular regarding:

- a) qualified and combined trades (Article 5(2) and Article 6(3));
- b) professional competence (Article 10(2));
- c) the permanent establishment and staffing (Article 11(4));
- d) the examination required for proof of professional competence in the hospitality industry (Article 14(2));
- e) the proof required for the grant of a business licence (Article 15(2));
- f) inspection of the registers of other authorities by the Office of Economic Affairs (Article 25(4));
- g) keeping the Business Register (Article 27(3));
- h) disclosure of data from the Business Register to other authorities by remote access (Article 28(3));
- i) levying fees (Article 30(2));
- k) the opening times of businesses (Article 31).

### Article 36

#### *Pending proceedings*

1) Requests pending at the time of entry into force of this Act shall be governed by the new law.

2) Criminal proceedings pending at the time of entry into force of this Act shall be governed by the law hitherto in force.

### Article 37

#### *Existing business licences and permits*

Business licences and permits lawfully granted or issued before entry into force of this Act shall continue to be valid without change. The holders of business licences and permits under the law hitherto in force

shall be entered in the Business Register *ex officio*. This article is subject to Article 34 of the Road Transport Act.

#### Article 38

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

The following enactments are repealed:

- a) Business Act of 10 December 1969, LGBL. 1970 No. 21;
- b) Law of 5 June 1975 amending the Business Act, LGBL. 1975 No. 33;
- c) Law of 18 December 1980 amending the Business Act, LGBL. 1981 No. 11;
- d) Law of 12 November 1992 amending the Business Act, LGBL. 1993 No. 20;
- e) Law of 16 December 1994 amending the Business Act, LGBL. 1995 No. 14;
- f) Law of 23 March 1995 amending the Law of 12 November 1992 amending the Business Act, LGBL. 1995 No. 110;
- g) Law of 6 December 1995 amending the Business Act; LGBL. 1996 No. 17;
- h) Law of 30 October 1996 amending the Business Act, LGBL. 1997 No. 26;
- i) Law of 19 June 1998 amending the Business Act, LGBL. 1998 No. 134;
- k) Law of 14 December 2000 amending the Business Act, LGBL. 2001 No. 28;
- l) Law of 13 December 2001 amending the Business Act, LGBL. 2002 No. 21;
- m) Announcement of 17 September 2002 of the repeal of Article 39(1) and (2) second sentence of the Business Act by the decision of the Liechtenstein Constitutional Court of 24 June 2002 (StGH 2001/49), LGBL. 2002 No. 119;
- n) Law of 20 December 2002 amending the Business Act, LGBL. 2003 No. 53;
- o) Law of 15 December 2004 amending the Business Act, LGBL. 2005 No. 35;
- p) Law of 25 November 2005 amending the Business Act, LGBL. 2005 No. 286;

- q) Law of 17 May 2006 amending the Business Act, LGBI. 2006 No. 126.

Article 39

*Entry into force*

This Act shall enter into force on 1 January 2007.

Representing the Reigning Prince:

signed *Alois*

Hereditary Prince

signed *Otmar Hasler*

Prime Minister