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Anti-Money Laundering 2020

A practical cross-border insight into anti-money laundering law

Third Edition

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1 The Crime of Money Laundering and Criminal Enforcement

1.1 What is the legal authority to prosecute money laundering at the national level?

The crime of money laundering, like almost all other criminal offences (except some minor misdemeanours which are only prosecuted upon request by the injured private party), is prosecuted by the Liechtenstein public prosecutor's office.

1.2 What must be proven by the government to establish money laundering as a criminal offence? What money laundering predicate offences are included? Is tax evasion a predicate offence for money laundering?

The Liechtenstein Criminal Code (hereinafter: StGB) distinguishes between money laundering with respect to assets originating from a criminal offence (§ 165 (1) and (2) StGB) and money laundering with respect to assets belonging to a criminal organisation or a terrorist group (§ 165 (3) StGB).

For a conviction pursuant to § 165 (1) or (2) StGB, the public prosecutor's office must prove that the perpetrator committed one of the punishable acts listed in § 165 (1) StGB (hiding, concealing the origin, providing false information in legal transactions with regard to the origin/true nature/ownership/location) or § 165 (2) StGB (appropriating, taking into safekeeping, investing, managing, converting, realising, transferring to a third party) with respect to assets originating from one of the predicate offences exhaustively enumerated in the law. In this regard, the law explicitly provides that it is also possible to commit the crime of money laundering with respect to expenses saved by a tax offence. Furthermore, the public prosecutor's office must prove that the perpetrator acted with intent ("*dolus eventualis*"), meaning that the perpetrator at least seriously considered the assets to be possibly originating from a crime and accepted this fact. If the predicate offence in question is tax fraud (Art. 140 of the Tax Act), "*dolus eventualis*" is not sufficient within the scope of § 165 (2) StGB. Instead, the public prosecutor's office has to prove that the perpetrator knew that the assets concerned originate from tax fraud.

According to Liechtenstein law, predicate offences are all offences with a minimum penalty of one year of imprisonment and the following misdemeanours: forgery of documents (§§ 223 StGB); suppression of documents (§ 229 StGB); false testimony before an administrative authority (§ 289 StGB); falsification of a piece of evidence (§ 293 StGB); suppression of a piece of evidence (§ 295 StGB); illegal residence (Art. 83 of the Foreigners Act); furtherance of illegal residence/entry (Art. 84 of the Foreigners Act); production or use of false identity papers or illegal use or transfer of authentic identity papers (Art. 85 of the Foreigners Act); all misdemeanours according to the Narcotics Act; tax fraud (Art. 140 of the Tax Act); and tax fraud and qualified tax evasion with respect to value-added tax (Art. 88 f of the Value Added Tax Act). Finally, an infraction pursuant to Art. 24 of the Market Abuse Act (market manipulation) can be a predicate offence. Ordinary tax evasion is not a predicate offence.

For a conviction pursuant to § 165 (3) StGB, the public prosecutor's office must prove that the perpetrator appropriated or took into safekeeping assets of a criminal organisation or a terrorist group on behalf of or in the interest of a criminal organisation or terrorist group. Furthermore, it must prove that the perpetrator acted with intent ("*dolus eventualis*").

1.3 Is there extraterritorial jurisdiction for the crime of money laundering? Is money laundering of the proceeds of foreign crimes punishable?

The Liechtenstein Criminal Code is applicable and Liechtenstein law enforcement authorities are competent if either the predicate offence (*cf.* § 64 (1) (9) StGB) or the punishable act constituting money laundering (i.e. the concealing, the management … *cf.* § 62 StGB) was committed in Liechtenstein. In the latter case, it is irrelevant where the predicate offence was committed. Furthermore, it is noticeable that proceeds of foreign crimes which are not subject to the jurisdiction of Liechtenstein can be forfeited and confiscated if only the crime is punishable according to the law of the state in which the crime was committed (*cf.* § 65a StGB).

1.4 Which government authorities are responsible for investigating and prosecuting money laundering criminal offences?

In principle, the public prosecutor's office is responsible for investigating and prosecuting money-laundering criminal offences. The public prosecutor's office may, however, instruct the police or the investigating judge to conduct measures of investigation (e.g. interrogations, assets transfer analysis, etc.). The police are also entitled to conduct measures by their own if they become aware of a suspicion that a criminal offence was committed. If, however, the suspicion concerns a serious offence or an offence which raises particular public interest, the public prosecutor's office has to be informed immediately. In any event, the police must inform the public prosecutor's office at the latest three months after the first investigation measure against a specific person was taken.

1.5 Is there corporate criminal liability or only liability for natural persons?

The Liechtenstein Criminal Code provides in general for corporate criminal liability and not only with respect to specific criminal offences. The law distinguishes between underlying acts committed by managers and underlying acts committed by "ordinary" employees. According to § 74a (1) StGB, legal entities are liable for any misdemeanours and crimes committed unlawfully and culpably by managers in the performance of business activities and within the framework of the purpose of the legal entity (except if the managers are acting in enforcement of the laws). In contrast, according to § 74a (3) StGB, legal entities are only liable for misdemeanours and crimes committed unlawfully (but not necessarily culpably) by "ordinary" employees if the act was made possible or was significantly facilitated by the failure of the managing staff to take the necessary and responsible measures to prevent such misdemeanours or crimes.

1.6 What are the maximum penalties applicable to individuals and legal entities convicted of money laundering?

The Liechtenstein Criminal Code provides for different penalties depending on the specific act of money laundering committed (active concealing of the proceeds of crimes according to § 165 (1) StGB *vs.* commonplace activities such as a simple storage of the proceeds of crimes according to § 165 (2) StGB) and depending on the amount of assets laundered.

If the crime of money laundering is committed with respect to an amount exceeding CHF 75,000, the penalty provided for by law for an individual is between one and 10 years of imprisonment irrespective of the specific act committed. For legal entities, the maximum penalty in these circumstances is a monetary penalty of CHF 1,950,000 (up to 130 daily penalty units of a maximum of CHF 15,000). The same maximum penalties apply if the crime of money laundering was committed by a member of a criminal group that has been formed for the purpose of continued money laundering.

If the amount of assets concerned by the crime of money laundering does not exceed the threshold of CHF 75,000 and the crime of money laundering was not committed by a member of a criminal group, the penalty is up to three years of imprisonment (active concealing of the proceeds of crimes), and respectively, up to two years of imprisonment (commonplace activities such as a simple storage of the proceeds of the crimes) for individuals. For legal entities, the maximum penalty is, in these circumstances, a monetary penalty of CHF 1,275,000 (up to 85 daily penalty units of a maximum of CHF 15,000), and respectively, CHF 1,050,000 (up to 70 daily penalty units of a maximum of CHF 15,000).

1.7 What is the statute of limitations for money laundering crimes?

According to § 57 (3) StGB, the statute of limitations for money laundering crimes is in general five years. In cases in which the threshold of CHF 75,000 is exceeded or the crime of money laundering was committed by a member of a criminal group, the statute of limitations is 10 years. However, if, during the limitation period, the perpetrator commits another offence that arises from the same harmful inclination, the limitation period is prolonged until the limitation period has also expired for the second offence.

1.8 Is enforcement only at national level? Are there parallel state or provincial criminal offences?

Liechtenstein has only two electoral districts, but no provinces. Therefore, there is only enforcement at national level.

1.9 Are there related forfeiture/confiscation authorities? What property is subject to confiscation? Under what circumstances can there be confiscation against funds or property if there has been no criminal conviction, i.e., non-criminal confiscation or civil forfeiture?

In Liechtenstein, there are no special forfeiture or confiscation authorities. It is up to the Liechtenstein prosecutor's office to ask the criminal court for a forfeiture or confiscation.

Any property used or intended to be used to commit an intentional criminal offence, as well as all goods originating from committing an intentional criminal offence, can be confiscated if, at the time of the decision of the criminal court (first instance), the perpetrator is the sole owner (*cf.* § 19a StGB). Furthermore, substitute values of such goods which are in the sole ownership of the perpetrator at the time of the decision of the criminal court (first instance) can be confiscated.

Furthermore, pursuant to § 20 (1) and (2) StGB, all assets received for committing a punishable act as well as all assets obtained through a punishable act, including their profits and substitute values, can be forfeited. If the assets subject to forfeiture according to § 20 (1) and (2) StGB are no longer present or a forfeiture is impossible for other grounds, the criminal court may forfeit an amount of money equivalent to these assets (*cf.* § 20 (3) StGB). In addition, the criminal court may also forfeit the amount of money the perpetrator has saved in expenses by committing the punishable act.

§ 20a StGB provides for certain exceptions in which a forfeiture is excluded despite the fact that the conditions according to § 20 StGB are met. In particular, forfeiture is excluded when a third party who has acquired the concerned assets in return for payment without knowing about the punishable act is involved.

Pursuant to § 20b StGB, it is also possible to forfeit assets which are under the control of a criminal organisation or a terrorist group or which have been provided or collected for the financing of terrorism (so-called "extended forfeiture"). If a crime (any criminal offence with a maximum penalty of more than three years of imprisonment) has been committed, for which or by which assets have been obtained, any other assets obtained in a temporal connection with the crime committed are subject to forfeiture if there is reason to believe that they were derived from an unlawful act and if their lawful origin cannot be credibly shown. If one of the following misdemeanours (money laundering, criminal association, terrorist offence or active/passive bribery) has been committed in a continuous or repeated manner for which or by which assets have been obtained, any other assets obtained in a temporal connection with these acts shall also be subject to forfeiture if there is reason to believe that they were derived from further misdemeanours of this kind and if their lawful origin cannot be credibly shown.

Finally, pursuant to § 26 StGB, all objects used by the perpetrator or intended by the perpetrator to be used to commit the punishable act and all objects obtained from the punishable act are subject to a deprivation order if these objects endanger the safety of persons, morality or the public order.

A forfeiture (§ 20 StGB), an extended forfeiture (§ 20b StGB) or a deprivation (§ 26 StGB) is also possible if there has been no criminal conviction. If the public prosecutor believes that

there are sufficient reasons to assume that the preconditions for forfeiture, extended forfeiture or deprivation are met and it is not possible to decide on this in criminal proceedings, the prosecutor can submit a separate application for the issuing of such pecuniary order.

1.10 Have banks or other regulated financial institutions or their directors, officers or employees been convicted of money laundering?

Based on the publicly available information, no convictions of banks or other regulated financial institutions have occurred. However, it is publicly known that a (former) vice director of a bank and other employees of banks, respectively, regulated financial institutions who have been convicted of other crimes such as fraud or embezzlement have also been convicted of laundering the proceeds of their own crimes.

1.11 How are criminal actions resolved or settled if not through the judicial process? Are records of the fact and terms of such settlements public?

The Liechtenstein Criminal Procedure Code (hereinafter: StPO) does not provide for the opportunity to conclude settlements between the public prosecutor's office and a perpetrator. Thus, in general, criminal actions are only resolved through the judicial process. However, the public prosecutor's office can, under certain circumstances, refrain from filing charges against a perpetrator even though it realises sufficient grounds of suspicion.

According to §§ 22a ff StPO, the public prosecutor shall withdraw from the prosecution of a punishable act if, in view of the payment of an amount of money, the performance of community service, the setting of a probation period or a victim-offender mediation, punishment does not seem advisable as a means to prevent the suspect from committing punishable acts or for counteracting the commission of punishable acts by others. In addition, the withdrawal from prosecution requires that (i) the punishable act constitutes an offence explicitly listed in § 22a (2) StPO, (ii) the suspect's level of culpability would not have to be considered grave, and (iii) the offence has not caused the death of a human being. With respect to money laundering, a withdrawal from the prosecution according to §§ 22a ff StPO is only possible if the threshold of CHF 75,000 is not exceeded and the crime was not committed by a member of a criminal group.

Such withdrawals from the prosecution are not public.

2 Anti-Money Laundering Regulatory/ Administrative Requirements and Enforcement

2.1 What are the legal or administrative authorities for imposing anti-money laundering requirements on financial institutions and other businesses? Please provide the details of such anti-money laundering requirements.

It is the Liechtenstein legislative authority (i.e. the Liechtenstein parliament called "Landtag" and the prince who must approve every law passed by parliament) who imposes anti-money laundering requirements on financial institutions and other businesses. It has done so by enacting the Due Diligence Act (hereinafter: SPG). The Liechtenstein Government has specified some of the anti-money laundering requirements already provided for by the SPG in the Due Diligence Ordinance (hereinafter: SPV). Finally, the Liechtenstein Financial Market Authority and the Liechtenstein FIU have issued guidelines, communications and instructions with respect to anti-money laundering requirements.

For the details of these anti-money laundering requirements, please see the responses to section 3 (in particular question 3.1).

2.2 Are there any anti-money laundering requirements imposed by self-regulatory organisations or professional associations?

The Liechtenstein Bankers Association has issued guidelines on due diligence obligations of banks in dealing with foreign correspondent banks and with regard to their customers' tax compliance.

2.3 Are self-regulatory organisations or professional associations responsible for anti-money laundering compliance and enforcement against their members?

The Liechtenstein Chamber of Lawyers is the only professional association which is responsible for anti-money laundering compliance and enforcement against their members. With respect to all other financial institutions and businesses subject to due diligence requirements, the Liechtenstein Financial Market Authority (hereinafter: FMA) is responsible for anti-money laundering compliance and enforcement.

2.4 Are there requirements only at national level?

As Liechtenstein is a small state, there are only requirements at national level.

2.5 Which government agencies/competent authorities are responsible for examination for compliance and enforcement of anti-money laundering requirements? If so, are the criteria for examination publicly available?

The FMA is responsible for compliance with and enforcement of anti-money laundering requirements (with the exception of lawyers, for which the Liechtenstein Chamber of Lawyers is solely competent). The FMA, as well as the FIU (with respect to suspicious transaction reports), have issued guidelines which show how they construe the provisions of the SPG and the SPV in practice. Furthermore, the FMA publishes an annual report about its activity, as well as a brochure called "FMA-Praxis" once a year, in which it informs about its own relevant decisions, relevant decisions of the FMA Complaints Commission, relevant decisions of the administrative court and relevant decisions of the constitutional court in anonymised form.

2.6 Is there a government Financial Intelligence Unit ("FIU") responsible for analysing information reported by financial institutions and businesses subject to anti-money laundering requirements?

Yes, there is. The Liechtenstein FIU is competent for analysing any suspicious transaction report received by a financial institution or other business subject to due diligence requirements. In the event of a reasonable suspicion of money laundering, predicate offences to money laundering, organised crime or terrorist financing, it has to file a report with the Liechtenstein public

prosecutor's office containing the analysis and any other additional relevant information. The report to the Liechtenstein public prosecutor's office may not contain any details about the source of the information or disclosure.

2.7 What is the applicable statute of limitations for competent authorities to bring enforcement actions?

With respect to penalties, the limitation period is three years. For all other supervisory measures, the law does not provide for an explicit limitation period.

2.8 What are the maximum penalties for failure to comply with the regulatory/administrative anti-money laundering requirements and what failures are subject to the penalty provisions?

The maximum penalties for failure to comply with anti-money laundering requirements are six months of imprisonment or a monetary penalty of up to CHF 360,000 (up to 360 daily penalty units of a maximum of CHF 1,000), or a fine of up to CHF 200,000 for administrative infractions which are prosecuted and judged by the FMA and not by the public prosecutor's office and the criminal court. In case of serious, repeated or systematic violations, the fine for administrative infractions can be raised up to CHF 5,000,000, or up to 10% of the annual total turnover (whichever amount is higher). For some of the businesses subject to due diligence obligations, the maximum fine is CHF 1,000,000, or double the amount gained through the administrative infraction (whichever amount is higher).

Subject to penalty are any failures with respect to suspicious transaction reports (i.e. violating the reporting requirement, carrying out suspicious transactions before filing the report or carrying out suspicious transactions without ensuring the paper trail, informing third parties about the suspicious transactions reports and not freezing assets in case of a suspicion of terrorist financing). Furthermore, it constitutes a criminal infringement to either not provide the FIU with information requested according to the law, or to provide them with false information.

Almost every intentional failure of anti-money laundering obligations provided for by the SPG constitutes an administrative infraction (the list in the SPG is more than two pages long).

2.9 What other types of sanction can be imposed on individuals and legal entities besides monetary fines and penalties?

The supervisory authorities may prohibit the commencement of new business relationships for a limited period of time and they may request the competent authority to undertake appropriate disciplinary measures. Furthermore, in the event of repeated, systematic or serious violations, the supervising authorities may: (i) publicly disclose decisions against a financial institution or business subject to due diligence requirements (including the name of the infringer); (ii) temporarily prohibit the performance of the activity it has authorised under special legislation; (iii) withdraw the licence it has granted under special legislation; or (iv) temporarily prohibit members of the executive body and other natural persons from performing the executive functions it has authorised or taking up such functions yet to be authorised.

2.10 Are the penalties only administrative/civil? Are violations of anti-money laundering obligations also subject to criminal sanctions?

The penalties are not only administrative. All violations of requirements with respect to suspicious transaction reports constitute criminal misdemeanours or criminal infractions which fall in the competence of the criminal court.

2.11 What is the process for assessment and collection of sanctions and appeal of administrative decisions? a) Are all resolutions of penalty actions by competent authorities public? b) Have financial institutions challenged penalty assessments in judicial or administrative proceedings?

When imposing the penalties, the criminal court, respectively, the supervisory authorities, must take into account the principle of proportionality and the principle of efficiency. Decisions of the criminal court can be appealed within 14 days to the court of appeal (the StPO applies). Decisions of the FMA can be appealed within 14 days to the FMA Complaints Commission and afterwards to the administrative court. Decisions of the Liechtenstein Chamber of Lawyers can only be appealed to the administrative court. Final decisions by the FMA or the Liechtenstein Chamber of Lawyers, as well as final decisions by the criminal court, constitute executory titles which can be enforced.

Pursuant to Liechtenstein law, not all decisions taken by the FMA (or the criminal court) are public. The decisions of the FMA are only published in case of serious, systematic or repeated violations. But even in this case, the FMA may refrain from publication or only publish the decisions in anonymised form, e.g., for reasons of proportionality. Having said that, the FMA informs about its activities and decisions in annual reports and in brochures ("FMA-Praxis") in anonymised form. Decisions of the criminal court are only made public if considered relevant by the courts.

Yes, it is publicly known that penalty decisions (at least of criminal courts) have been appealed by financial institutions.

3 Anti-Money Laundering Requirements for Financial Institutions and Other Designated Businesses

3.1 What financial institutions and other businesses are subject to anti-money laundering requirements? Describe which professional activities are subject to such requirements and the obligations of the financial institutions and other businesses.

The following persons are subject to due diligence (e.g. anti-money laundering requirements):

- banks and investment firms;
- e-money businesses;
- undertakings for collective investment that market their unit certificates or units;
- insurance undertakings;
- the *Liechtensteinische Post Aktiengesellschaft*, insofar as it pursues activities beyond its postal service that must be reported to the FMA;
- exchange offices (including Trustworthy Technology (TT) exchange service providers);

- insurance brokers;
- payment service providers;
- asset management companies;
- service profilers for legal entities;
- casinos and providers of online gaming;
- lawyers and law firms (insofar as they provide tax advice or assist in the planning and execution of financial or real estate transactions);
- members of tax consultancy professions and external bookkeepers;
- real estate agents;
- persons trading in goods, insofar as payment is made in cash and the amount involved is CHF 10,000 or more, irrespective of whether the transaction is executed in a single operation or in several operations which appear connected;
- TT services providers who are subject to registration according to the Token and TT Service Provider Act;
- token issuers with domicile in Liechtenstein who are not subject to registration according to the Token and TT Service Provider Act and who issue tokens in their own name or non-professionally in the name of their principal, insofar as they handle transactions above the amount of CHF 1,000; and
- operators of trading platforms for virtual currencies.

Such persons shall perform the following duties taking a risk-based approach:

- identification and verification of the identity of the contracting party;
- identification and verification of the identity of the beneficial owner;
- identification and verification of the identity of the recipient of distributions from legal entities established on a discretionary basis and the beneficiary of life assurance policies and other insurances with investment-related objectives;
- establishment of a business profile; and
- supervision of business relationships at a level that is commensurate with the risk.

3.2 To what extent have anti-money laundering requirements been applied to the cryptocurrency industry?

As stated above, TT services providers subject to registration according to the Token and TT Service Provider Act, token issuers with domicile in Liechtenstein who issue tokens in their own name or non-professionally in the name of their principal, operators of trading platforms for virtual currencies and TT exchange service providers are, in principal, subject to due diligence.

3.3 Are certain financial institutions or designated businesses required to maintain compliance programmes? What are the required elements of the programmes?

TT services providers who are subject to registration according to the Token and TT Service Provider Act are obliged to use IT-based systems to control the history of the virtual currencies respective of the tokens in the TT-system with a risk-based approach. All other financial institutions and designated businesses should use IT-based systems to supervise business relationships with a risk-based approach, if this is possible, and if the costs are in an adequate relation to the intended objectives. The IT-based system used shall be suitable and in accordance with the technical possibilities.

3.4 What are the requirements for recordkeeping or reporting large currency transactions? When must reports be filed and at what thresholds?

The persons subject to due diligence shall keep a record of compliance with the duties of due diligence and the reporting requirements as provided in the SPG.

Such persons shall establish and maintain due diligence files. In these files, client-related documents, business correspondence and vouchers are to be retained for 10 years from the end of the business relationship and/or from the execution of an occasional transaction, whereas transaction-related documents, business correspondence and vouchers shall be retained for 10 years from conclusion of the transaction and/or from their issue.

There is no reporting requirement in relation to a threshold. However, any suspicion in relation to money laundering has to be reported immediately (see also the answer to question 3.9).

3.5 Are there any requirements to report routinely transactions other than large cash transactions? If so, please describe the types of transactions, where reports should be filed and at what thresholds, and any exceptions.

No, see above the answer to question 3.4.

3.6 Are there cross-border transactions reporting requirements? Who is subject to the requirements and what must be reported under what circumstances?

Yes, the cross-border transactions reporting requirements apply to all financial intermediaries operating across borders.

Reporting has to be done in connection with legal and reputational risks arising from cross-border business activities. The FMA has to be informed in cases of substantial significance.

3.7 Describe the customer identification and due diligence requirements for financial institutions and other businesses subject to the anti-money laundering requirements. Are there any special or enhanced due diligence requirements for certain types of customers?

When embarking upon a business relationship or concluding an occasional transaction, the person subject to due diligence shall establish the identity of the contracting party and verify that identity by consulting a supporting document (original or certified copy) relating to the contracting party and obtaining and recording the following details:

a) for natural persons: last name; first name; date of birth; residential address; state of residence and nationality; and
b) for legal entities: name or company type; legal form; address of registered office; state of domicile; date established; place and date of entry in the Commercial Register, where applicable; and the names of the bodies or trustees acting formally on behalf of the legal entity in the relationship with the person subject to due diligence.

With regard to business relationships and transactions with politically exposed persons, enhanced due diligence requirements have to be applied.

3.8 Are financial institution accounts for foreign shell banks (banks with no physical presence in the countries where they are licensed and no effective supervision) prohibited? Which types of financial institutions are subject to the prohibition?

Correspondent bank relationships with shell banks are prohibited according to the SPG.

3.9 What is the criteria for reporting suspicious activity?

Where suspicion of money laundering, a predicate offence to money laundering, organised crime, or terrorist financing exists, the persons subject to due diligence must immediately report to the FIU in writing.

The person subject to due diligence shall verify the plausibility of each customer statement to the best of its ability. If investigations reveal that the transactions or circumstances are implausible, this will trigger the reporting requirement.

The indicators of money laundering, organised crime and financing of terrorism are listed in Annex 3 of the SPV.

3.10 Does the government maintain current and adequate information about legal entities and their management and ownership, i.e., corporate registries to assist financial institutions with their anti-money laundering customer due diligence responsibilities, including obtaining current beneficial ownership information about legal entity customers?

Yes, in Liechtenstein a commercial register exists, which is open to the public and constitutes conclusive evidence. Moreover, on 1 August 2019, a new law which provides for a register of the beneficial owners of domestic legal entities entered into force. The Office of Justice may provide information contained in the latter register to persons subject to due diligence upon their request. Other third parties have to show a legitimate interest in the field of combatting money laundering, predicated offences of money laundering and terrorist financing.

3.11 Is it a requirement that accurate information about originators and beneficiaries be included in payment orders for a funds transfer? Should such information also be included in payment instructions to other financial institutions?

The payment order contains the name, account number and address of the payer as well as the name and account number of the beneficiary.

3.12 Is ownership of legal entities in the form of bearer shares permitted?

It is only permitted if a custodian has been appointed and the issued bearer shares are deposited with the custodian. The custodian must be entered in the commercial register stating his function. The custodian has to keep a register in which each bearer, who has to be identified by the custodian in accordance with the law (Art. 326c PGR), is entered. The person entered into the register is considered as shareholder. The result of the legal provisions is that the bearer is identified and documented in accordance with the rules of the due diligence legislation (SPG).

3.13 Are there specific anti-money laundering requirements applied to non-financial institution businesses, e.g., currency reporting?

No – the financial institutions and other businesses that are subject to anti-money laundering requirements are mentioned under question 3.1.

3.14 Are there anti-money laundering requirements applicable to certain business sectors, such as persons engaged in international trade or persons in certain geographic areas such as free trade zones?

The SPG applies to various business sectors and, in particular, also applies to persons trading in goods (see question 3.1 above). However, there are no requirements in relation to free trade zones, because in Liechtenstein there are no free trade zones or other special geographic areas.

4 General

4.1 If not outlined above, what additional anti-money laundering measures are proposed or under consideration?

Different legislative changes to implement Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU, have been proposed by the Liechtenstein Government. It is unclear when the Liechtenstein Parliament will discuss these proposals.

4.2 Are there any significant ways in which the anti-money laundering regime of your country fails to meet the recommendations of the Financial Action Task Force ("FATF")? What are the impediments to compliance?

According to the last evaluation report by Moneyval (dated 2 April 2014), the legal framework as such is closely in line with the FATF recommendations. However, the effective implementation was criticised. In particular, the fact that there was only one conviction of money laundering in the period between 2007 and 2014 was criticised.

Following the release of this evaluation report, Liechtenstein has undertaken several changes in legislation to facilitate enforcement of the anti-money laundering regime. In the period from 2014 to 2018, there have been 27 final convictions of money laundering. As the next evaluation by Moneyval will not take place before 2021, it is not clear how the different changes in legislation are assessed by independent organisations.

4.3 Has your country's anti-money laundering regime been subject to evaluation by an outside organisation, such as the FATF, regional FATFs, Council of Europe (Moneyval) or IMF? If so, when was the last review?

Yes, the last on-site visit by Moneyval was in June 2013.

4.4 Please provide information for how to obtain relevant anti-money laundering laws, regulations, administrative decrees and guidance from the Internet. Are the materials publicly available in English?

The relevant anti-money launderings laws are publicly available on http://www.gesetze.li (only in German) or – alternatively – on http://www.fma-li.li. The FMA provides English translations of the most relevant laws. They are, unfortunately, not always up to date. The FMA also publishes its guidelines, instructions and communications on its website (a few of them in English).

Criminal court decisions are available on http://www.gerichtsentscheidungen.li (in German only). The FMA publicly informs about its activity and its decisions in annual reports (available in English and in German) and "FMA-Praxis" brochures (available only in German).

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Stefan frequently speaks at conferences and regularly contributes to renowned publications on trust law, wealth and estate planning, litigation and white-collar crime. In addition, he functions as a member of the board of the Liechtenstein Institute of Professional Trustees and Fiduciaries.

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