

**IMT GROUP**

Austrasse 56 · P.O. Box 1235  
9490 Vaduz, Liechtenstein  
imt@imt.li · www.imt.li



## IMT-BLOG

### Questions and answers regarding the register of ultimate beneficial owners

26 July 2019

On 01 August 2019 the law pertaining to the register of ultimate beneficial owners of domestic legal entities (VwEG) comes into force in Liechtenstein. This blog post is intended to show what rights and obligations the VwEG entails for Liechtenstein persons and entities subject to due diligence and for Liechtenstein legal entities.

If you have any questions, I will be pleased to advise you.

A handwritten signature in blue ink, appearing to read 'E. Zopfi'.

**Elias Zopfi lic. iur.**

Lawyer (Switzerland)

Compliance Specialist

+423 238 1717 | e.zopfi@imt.li



## QUESTIONS AND ANSWERS REGARDING THE REGISTER OF ULTIMATE BENEFICIAL OWNERS LIECHTENSTEIN

---

### **Who must be entered in the register?**

The law, VwEG, applies exclusively to Liechtenstein legal entities and asset structures (legal entities). Foreign legal entities are not required to be registered, even if they are managed in the Principality of Liechtenstein.

### **Who must make the entry in the register?**

The data required to be entered in the case of corporately structured legal entities must be transmitted by the legal entities themselves. In the case of a trust, a foundation-like institution or a foundation, the obligation to make the entry falls to the person or entity subject to due diligence who manages the legal entity.

### **By when must the entry be made?**

Liechtenstein legal entities set up before 01 August 2019 must register their ultimate beneficial owners within six months. Liechtenstein legal entities established after 01 August 2019 must make the entry in the register within 30 days.

### **Who should be entered as the ultimate beneficial owner?**

In the case of corporately structured legal entities, all persons who are beneficial owners must be registered. These are persons who

1. ultimately directly or indirectly hold or control over 25% of these legal entities or over 25% of the voting rights therein;
2. ultimately directly or indirectly receive more than 25 % of the profits generated by these legal entities;

3. exercise control in another way over these legal entities or over their managements; or
4. are members of the governing body, if - after exhausting all possibilities and in the absence of any suspicious factors – no persons can be identified in accordance with clauses 1 to 3;

In the case of legal entities with a foundation-like structure, all those natural persons are registered as ultimate beneficial owners, who ultimately own or control (clause 3) the legal entities, including:

1. settlor;
2. trustee;
3. protector, where such exists; and
4. the beneficiaries

If there is no controlling founder/settlor, protector or beneficiary (discretionary structure with discretionary beneficiaries), solely and exclusively the members of the governing body are entered in the register of ultimate beneficial owners with the relevant Liechtenstein legal entity.

### **Who is permitted to look into the register?**

A restricted right of inspection is being introduced in the context of implementation of the 4th EU money laundering directive. Selected authorities (FIU, FMA and the Office of the Public Prosecutor) have the possibility to inspect data on all legal entities online. In the case of corporately structured legal entities, third parties also have the right of inspection. In the current legal situation third parties are not permitted to view data on legal entities with a foundation-like structure.

Searches of any kind in the register are possible solely when they are required to combat money laundering, predicate offences for money

laundering and terrorist financing. Bulk searches are not permitted. A search in the register for a specific legal entity or a specific person is permitted only in individual cases.

### **What happens in the event of a late or false entry in the register?**

In the event of false or late entries, fines of up to CHF 200,000.00 may be imposed on the persons or entities subject to due diligence (in the case of legal entities with a foundation-like structure) or on the legal

entities (in the case of corporately structured legal entities).

### **How can we support you?**

As a corporate service provider, IMT is specialized in putting together the information required for entry in the register of ultimate beneficial owners. Elias Zopfi lic.iur. will be pleased to support you if you have any questions regarding the register of ultimate beneficial owners.

---

## **ABOUT US**

*Our first group company was formed more than thirty years ago. Since then we have grown continuously into a group of wealth advisory boutiques with four divisions. Each division has its own field of competence.*

*We adhere to the highest ethical, professional and corporate standards. Competence, efficiency and transparency are of utmost importance to us and our clients. We advise our clients comprehensively and*

*develop with them a mid- to long- term sustainable wealth strategy based on their family values.*

*Since our formation we have successfully adapted ourselves to the changing legal and economic environment always with focus on our clients' interests. We share their entrepreneurial spirit and support them developing and implementing their goals.*

*We care about all values – not only material assets – of our clients and help to preserve these for future generations.*

---

## **DISCLAIMER**

*This document is for information purposes only. This document contains data and information which are prepared by IMT Group. Although IMT Group takes care to ensure that the information in this document is correct at the time it was collected, IMT Group neither explicitly nor implicitly provides any assurance or guarantee of accuracy, reliability or completeness, and assumes no liability or responsibility for either its*

*own or for third-party publications. IMT Group is not liable for any direct, indirect or incidental loss incurred on the basis of the information in this document. Any opinions represented in this document solely reflect those of IMT Group or specified third-party authors at the time of publication (subject to modifications). The services mentioned in this document are addressed exclusively to clients of IMT Group.*