

To the contrary of Austria, Liechtenstein obviously has not added any form of qualified direct tax evasion to the list of predicate offences to ML.³³ It remains to be assessed by Moneyval’s evaluators if point 2 of the interpretive note to FATF recommendation 3 is implemented or not.

The analysis under point 5 of the interpretive note to FATF recommendation 3 shows that “As long as Liechtenstein has jurisdiction over the ML activity itself *ratione loci*, it is irrelevant where the predicate offenses are committed, presuming the facts constitute a domestic predicate offense. Liechtenstein even assumes jurisdiction over the money laundering conduct in another country if the predicate offense has been committed in Liechtenstein (Art. 64, para. 1.9 PC). Art. 65, para. 3 PC finally provides that, if there is no penal power at the place where the criminal act was committed (such as the Antarctic or high seas) it is sufficient that the offense is punishable in Liechtenstein.”³⁴

The dispatch of the draft bill shows some open language indicating that during the preparation period of the draft bill, there had been dissenting discussions between the public and the private sector and potentially within each of them. Not only had the first task force in charge of elaborating a draft implementation of the international standards into Liechtenstein law to be replaced by a second task force with a different chairperson. The second task force even openly admits not having reached a common position on how to implement the international standards into Liechtenstein law and apparently missed the deadline for its report to the Liechtenstein government (December 1st, 2014).³⁵

³³ Which seems to be still in line with Art. 3 point (4) (f) of the 4th AMLD.

³⁴ See page 53 of the Moneyval Report on Fourth Assessment Visit, Principality of Liechtenstein, April 2, 2014, available from http://www.coe.int/t/dghl/monitoring/moneyval/Countries/Liechtenstein_en.asp, accessed on April 10, 2016.

³⁵ The history of these task forces is explained in the dispatch of the draft bill (Bericht und Antrag Nr. 114/2015), available in German from <http://bua.gmg.biz/BuA/default.aspx?nr=114&year=2015&content=378168877&erweitert=true>, accessed on April 3, 2016), on pages 7 to 9. On pages 12 to 16, the different and diverging opinions of the task force’s participants from the public and the private sector are explained.