



Author: Dr. MMag. Bünyamin Taskapan, LL.M. (Vanderbilt), Attorney-at-Law, Public Notary (Öffentlicher Notar), Head of Department, ATU

Introduction of the public notary's office in Liechtenstein

On 1 January 2020, the Liechtenstein Notaries Act (Notariatsgesetz-NotarG) of 3 October 2019 came into force. Since then, it is therefore possible to practice the profession of a public notary in Liechtenstein as well.

The new law meets the needs of Liechtenstein as a rapidly changing business location and financial center brought about by increasing globalisation. Numerous legal transactions require notarizations or certifications to be internationally recognized. Prior to 2020, these actions had to be carried out by public notaries in neighboring countries such as Austria or Switzerland. As former Justice Minister Aurelia Frick emphasized, this new law has strengthened Liechtenstein's competitiveness in the area of legal and financial services.

We would like to take this opportunity to inform you about the relevant aspects of the Liechtenstein Notaries Act.

The notarial system in Liechtenstein was implemented as a "lawyer's notary's office" based on the model of St. Gallen, Switzerland. This means that, in principle, it is open to lawyers who can provide evidence of at least three years of relevant practical work and successful completion of the notary's exam to be admitted as a Liechtenstein notary. The legislator has deliberately refrained from introducing a notarial duty. Therefore, it is still possible to obtain certifications and notarizations at the communities, the Office of Justice (*Amt für Justiz*) and the Princely Court (*Fürstliches Landgericht*).

The Liechtenstein public notary can perform public certifications and notarizations.

Within the framework of a notarial certification, legally relevant facts and legal relationships, in which there is an interest worthy of protection, are recorded in writing in a notarial deed for the purpose of securing and structuring rights and legal relationships. The deed can either be presented by the parties or drawn up by the public notary himself. The public notary is subject to an obligation to examine the legal content and significance of the deed or the legal transaction to be certified. This also includes an examination of the identity and the power of judgement of the parties involved, as well as the determination that the content of the deed corresponds to the actual intention of the parties. The deed is either read out by the public notary to the parties involved or read by themselves and subsequently approved by them. Finally, the deed is to be signed

by the parties in the presence of the public notary. In this respect, it is generally a simple and straightforward act.

Further services of the Liechtenstein public notary are the preparation of executable notarial deeds – with the effect of a court settlement – as well as the recording of sworn and unsworn depositions for foreign court proceedings. In addition, affidavits can be made before the public notary. Furthermore, it should be emphasized that it is not only possible to prepare deeds under domestic law but also under foreign law, provided that certain conditions are met.

A notarization is a notarial endorsement on a document with an existing text. Since enactment of the new law, signatures and hand signs, dates, document extracts, transcripts, translations and copies can now also be notarized in Liechtenstein.

The international recognition of notarial certifications and notarizations is guaranteed by Liechtenstein's accession to the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents ("Apostille Convention"). This enables documents to be certified with the Hague Apostille.

This new law makes it attractive, both nationally and internationally, to use the services of a Liechtenstein public notary.

Dr MMag. Bünyamin Taskapan, LL.M. successfully passed the notaries' examination at the Liechtenstein Chamber of Notaries. He is entered in the Register of Liechtenstein Notaries and has practiced as a notary public since 1 January 2021. This means that Dr. Taskapan and his team are now also in a position to offer bespoke attestation and certification services for clients of Allgemeines Treuunternehmen.

We hope that this general information has given you an initial overview of the new Liechtenstein Notaries Act.

For further information, please contact the author of this article, Dr. MMag. Bünyamin Taskapan, LL.M. and his team.

Yours sincerely,

Allgemeines Treuunternehmen

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Allgemeines Treuunternehmen · Aeulestrasse 5 · P.O. Box 83 · 9490 Vaduz · Liechtenstein · T +423 237 34 34 · F +423 237 34 60
info@atu.li · www.atu.li