

Liechtenstein



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1 Country Finder

1.1 Please set out the various regimes applicable to recognising and enforcing judgments in your jurisdiction and the names of the countries to which such special regimes apply.

Applicable Law/Statutory Regime	Relevant Jurisdiction(s)	Corresponding Section Below
Domestic law		
Enforcement Act of 24 November 1971 (<i>Exekutionsordnung</i> , "EO").	All jurisdictions where no bilateral or multilateral convention is applicable (it should be noted, however, that the strict requirement of reciprocity applies, and foreign judgments are generally recognised and enforced in Liechtenstein only where reciprocity exists).	Section 2.
Code of Civil Procedure of 10 December 1912 (<i>Zivilprozessordnung</i> , "ZPO").	All jurisdictions where no bilateral or multilateral convention is applicable (it should be noted, however, that the strict requirement of reciprocity applies, and foreign judgments are generally recognised and enforced in Liechtenstein only where reciprocity exists).	Section 2.
Non-Contentious Proceedings Act of 25 November 2010 (<i>Ausserstreitgesetz</i> , "AussStrG").	All jurisdictions where no bilateral or multilateral convention is applicable (unilateral recognition by Liechtenstein).	Section 2.
Act on the Securing of Rights of 9 February 1923 (<i>Rechtssicherungsordnung</i> , "RSO").	All jurisdictions where no bilateral or multilateral convention is applicable.	Section 2.
Bilateral conventions		
Agreement between the Principality of Liechtenstein and the Republic of Austria on the Recognition and Enforcement of Judgments, Arbitral Awards, Settlements and Public Deeds of 5 July 1973.	Austria and Liechtenstein.	Section 3.
Agreement between the Principality of Liechtenstein and the Swiss Confederation on the Recognition and Enforcement of Judgments and Arbitral Awards in Civil Matters of 25 April 1968.	Austria and Switzerland.	Section 3.
Multilateral conventions		
Liechtenstein is a party to several multilateral conventions, particularly the following:		
New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958 ("New York Convention").	Contracting parties.	Section 3.

Applicable Law/Statutory Regime	Relevant Jurisdiction(s)	Corresponding Section Below
Multilateral conventions		
European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 20 May 1980.	Contracting parties.	Not specifically addressed.
Convention Concerning the Recognition and Enforcement of Decisions Relating to Child Maintenance Obligations of 15 April 1958.	Contracting parties.	Not specifically addressed.
Agreement between the Principality of Liechtenstein and the Republic of Austria on the Enforcement of Maintenance Orders of 1 April 1955.	Austria and Liechtenstein.	Not specifically addressed.

2 General Regime

2.1 Absent any applicable special regime, what is the legal framework under which a foreign judgment would be recognised and enforced in your jurisdiction?

Liechtenstein is currently neither a contracting state to the Brussels Regulation (“EuGVVO”) nor to the Lugano Convention, both of which provide for simplified recognition and enforcement of judgments in civil and commercial matters.

The recognition and enforcement of foreign judgments in Liechtenstein is governed by the provisions of the EO, in particular Articles 52 to 57 of the EO. The enforceability of a foreign judgment is examined as a preliminary issue in the course of enforcement authorisation proceedings. Liechtenstein law does not provide for a separate, independent exequatur procedure.

With regard to the recognition and enforcement of foreign arbitral awards, Section 631 of the ZPO refers to the provisions of the EO.

Furthermore, the AussStrG contains specific recognition provisions that facilitate the recognition of foreign decisions and instruments in selected areas of personal status, family law and succession law. These special provisions take precedence over the general recognition regime under the EO and generally waive the requirement of reciprocity.

Indirect enforcement of foreign judgments is also possible; foreign judgments may be recognised in Liechtenstein as foreign public instruments. On the basis of such a foreign judgment, the creditor may initiate debt enforcement proceedings or payment order proceedings under the RSO and obtain a payment order against the debtor. If the debtor lodges an objection, the creditor may apply for provisional leave to enforce (*Rechtsöffnung*). If provisional leave to enforce is granted, the debtor may, pursuant to Article 53 of the RSO, file an action for negative declaratory relief (*Aberkennungsklage*) within 14 days. If no such action is filed, or if it is ultimately dismissed, the creditor obtains an enforceable title.

It must be emphasised that the decision granting leave to enforce does not determine the substantive existence or non-existence of the claim based on the foreign judgment. Although proceedings under the RSO cannot be regarded as recognition of a foreign judgment in the narrow sense, the creditor may nevertheless obtain an enforceable title, depending on the outcome of the negative declaratory action.

2.2 What constitutes a ‘judgment’ capable of recognition and enforcement in your jurisdiction?

Foreign judgments encompass judicial decisions (such as judgments, orders and interim junctions), court settlements, public deeds and declarations of obligation issued by foreign notaries. Arbitral awards are likewise included but are generally governed to the New York Convention.

Enforceable titles need not necessarily originate from courts. Titles issued by administrative authorities, as well as agreements concluded before authorities or other institutions (such as youth welfare offices), may also be recognised.

As already briefly explained in question 2.1, the relevant provisions governing the requirements for the enforcement of foreign judgments are set out in Articles 52 to 57 of the EO. According to these provisions, the recognition and enforcement of foreign judgments (with the exception of arbitral awards) require the following conditions to be met:

(Indirect) international jurisdiction of the foreign court (Article 53 lit a of the EO)

The existence of indirect international jurisdiction of the foreign court is a key prerequisite for the recognition of a foreign judgment. The foreign state must have had international jurisdiction under Liechtenstein law. The relevant test is based exclusively on Liechtenstein rules on international jurisdiction.

In this context, Liechtenstein’s jurisdictional rules are applied hypothetically to the foreign proceedings. The decisive criterion is whether jurisdiction would be affirmed under Liechtenstein law; the foreign state’s jurisdictional rules are irrelevant.

Finality of the foreign decision (Article 53 lit c of the EO)

Another prerequisite is that the foreign decision must be final and binding. Article 53 lit c of the EO provides that the foreign judgment must no longer be subject to any legal remedy having suspensive effect (i.e., no appeal with suspensive effect).

Reciprocity (Article 52 of the EO)

Foreign judgments are recognised and enforced in Liechtenstein only if Liechtenstein has concluded a corresponding treaty with the relevant state, or if reciprocity is guaranteed by international treaties or by a declaration of reciprocity by the government. Since Liechtenstein has concluded such treaties only with Austria and Switzerland, and no declaration of reciprocity currently exists, this requirement is only met in relation to these two states. Consequently, judgments from all other states are, in principle, not recognised and enforced in Liechtenstein.

Proper service of process (Article 53 lit b of the EO)

The document initiating the foreign proceedings must have been properly served on the defendant, i.e., by personal service.

Furthermore, foreign judgments may not be enforced if any of the grounds for refusal listed below apply:

Violation of the right to be heard (Article 54 lit a of the EO)

If the person against whom enforcement is sought was deprived of the opportunity to participate in the foreign court proceedings due to procedural irregularities, this safeguards their right to be heard. Furthermore, service of process must also have been effected in due time and in accordance with the prescribed formal requirements.

Violation of the public order (*ordre public*, Article 54 lit b and d of the EO)

Enforcement must be refused if the content of the foreign decision violates fundamental principles of domestic law. In addition, foreign proceedings must comply with minimum standards of the rule of law, particularly with regard to judicial impartiality and the right to be heard.

Enforcement must also be refused if the judgment seeks to compel an act that is unlawful or otherwise unenforceable under Liechtenstein law.

2.3 What requirements (in form and substance) must a foreign judgment satisfy in order to be recognised and enforceable in your jurisdiction?

Although the requirements are less stringent than for domestic judgments, a foreign enforceable judgment must still be sufficiently specific. It is sufficient if the claim can be determined without further discretionary assessment based on foreign laws, judgments or statistical data. But the effect of foreign judgments in Liechtenstein is not greater than that in their origin state. Additionally, the foreign judgment must not contravene the *ordre public*.

2.4 What (if any) connection to the jurisdiction is required for your courts to accept jurisdiction for recognition and enforcement of a foreign judgment?

Upon receipt of an application for enforcement, the Princely Regional Court first establishes whether it has jurisdiction. Jurisdiction is established, in particular, if the debtor's general place of jurisdiction (domicile or habitual residence) is in Liechtenstein. Liechtenstein law also recognises – *inter alia* – jurisdiction based on the presence of assets within the territory.

Furthermore, the recognition and enforcement of foreign judgments are subject to the principle of reciprocity. Foreign judgments are recognised and enforced in Liechtenstein only if Liechtenstein has concluded a corresponding treaty with the relevant state, or if reciprocity is guaranteed by international treaties or by a declaration of reciprocity by the government.

Exceptions to the reciprocity requirement apply within the scope of the AussStrG in selected areas of personal status, family law and succession law. These special provisions take precedence over the general recognition regime under the EO and generally waive the requirement of reciprocity.

2.5 Is there a difference between recognition and enforcement of judgments? If so, what are the legal effects of recognition and enforcement respectively?

As explained in question 2.1, Liechtenstein law does not provide

for a separate exequatur procedure. Instead, recognition of a foreign judgment is assessed as a preliminary issue within the enforcement authorisation proceedings. According to the case law of the Princely Supreme Court, the court granting enforcement may, for the sake of clarity, expressly state in the operative part of its decision that the foreign title has been reviewed and is enforceable.

The AussStrG contains specific provisions on recognition. For example, a foreign decision on adoption or on the existence of a marriage may be recognised without an enforcement application.

2.6 Briefly explain the procedure for recognising and enforcing a foreign judgment in your jurisdiction.

As already explained in questions 2.1 and 2.5, Liechtenstein law does not provide for a separate, preliminary exequatur procedure. Instead, the enforceability of a foreign judgment is examined as a preliminary issue during proceedings to authorise enforcement (execution).

The compulsory enforcement of a foreign judgment, like that of a domestic judgment, requires the initiation of an enforcement proceeding. The enforcement proceeding is commenced by the creditor's application for the issuance of an enforcement authorisation (*Exekutionsbewilligung*) pursuant to Article 33 of the EO. The application for enforcement must be submitted to the Princely Court of Justice and include the following in particular:

- the full identification of the applicant and of the party against whom enforcement is sought;
- a precise specification of the claim on which the enforcement is based, as well as the enforcement title (for monetary claims: the amount to be enforced, including ancillary costs, e.g., interest); and
- the designation of the enforcement measures to be applied.

In the case of arbitral awards, confirmation by the arbitrators regarding the finality and enforceability of the award is required.

The application for enforcement must also demonstrate that the conditions for enforcement based on the foreign judgment are met. It is advisable to provide evidence that an international enforcement treaty exists or is applicable, or that reciprocity has been recognised by the government by regulation (currently, no such regulation exists). Furthermore, the foreign judgment must be submitted either in the original or as a certified copy, together with a certified German translation.

Enforcement is generally granted by the judge without a prior oral hearing and without hearing the opposing party (the obliged party, debtor). After the enforcement authorisation is issued, however, the obliged party has various legal remedies available (see question 2.7).

If enforcement under the EO is not possible (for example, due to the absence of reciprocity), the enforcement of a foreign judgment may alternatively be requested indirectly under the provisions of the RSO. In such cases, the creditor may obtain a payment order against the debtor in a debt enforcement or payment order procedure. The debtor may file an objection against this payment order. Following an objection, the creditor may apply for provisional leave to enforce. During the provisional enforcement procedure, it is examined summarily and rapidly whether the claim can be considered as established based on the available documents. If provisional leave to enforce is granted, the debtor may file a negative declaratory action within 14 days. If no such action is filed, or if the negative declaratory action is finally dismissed, the creditor obtains an enforceable title.

The decision granting provisional leave to enforce does not determine the substantive existence or non-existence of a claim based on the foreign judgment: it is purely procedural in nature. Nevertheless, the creditor may thereby obtain an enforceable title. The application for provisional leave to enforce must be accompanied by the foreign judgment in the original or as a certified copy, as well as a certified German translation thereof.

2.7 On what grounds can recognition/enforcement of a judgment be challenged? When can such a challenge be made?

In the context of recognition and enforcement of a foreign judgment under the EO, the party against whom enforcement has been authorised may file an objection pursuant to Article 55 of the EO. An objection is admissible if the conditions for enforcement of foreign judgments set out in Articles 52 to 54 of the EO are not met. The time limit for filing an objection is 14 days.

In addition, the obliged party may challenge the enforcement order through the following legal remedies:

- *Oppositionsklage* (Article 18 of the EO) – objections to the underlying claim: this enforcement-specific action allows the obliged party to raise objections to the claim on which the authorisation for enforcement is based. The obliged party may, for example, assert circumstances that have materially extinguished or suspended the claim since the enforcement title was issued. This remedy therefore serves to verify whether the claim conferred by the enforcement title remains valid or has been extinguished, thereby negating the right to enforcement.
- *Impugnationsklage* (Article 19 of the EO) – objections to the authorisation for enforcement itself: this remedy enables the obliged party to challenge the authorisation for enforcement directly, for instance on the grounds of lack of maturity or enforceability of the claim, or that enforcement has been suspended.
- Appeal (Article 43 of the EO): an appeal against the authorisation for enforcement may also be filed under Article 43 of the EO. The time limit for filing an appeal is 14 days.

Furthermore, upon application, enforcement may be suspended or terminated if one of the grounds set out in Article 21 of the EO applies. For example, if enforcement is directed at property, rights, or claims that are exempt from enforcement, or if it is unlikely that enforcement will yield proceeds exceeding the costs of enforcement. Additionally, the enforcement procedure may be postponed under Article 24 of the EO.

2.8 What, if any, is the relevant legal framework applicable to recognising and enforcing foreign judgments relating to specific subject matters?

As mentioned briefly in question 2.1, the AussStrG contains specific provisions regarding the recognition of foreign decisions.

For example, Article 91a of the AussStrG stipulates that a foreign adoption decision is recognised in Liechtenstein if it is final and binding, and if there are no grounds for refusal. Recognition must, *inter alia*, be refused if any of the statutory grounds apply. In particular, recognition may not be granted if:

- it would be contrary to the best interests of the child or the *ordre public*;
- the right to be heard was not respected;
- the decision is incompatible with a Liechtenstein decision or a prior foreign decision that meets the recognition requirements in Liechtenstein; and/or

- the authority recognising the decision would not have had international jurisdiction under Liechtenstein law.

Recognition may also be refused if a person whose consent is required under the applicable law was not afforded the opportunity to participate in the proceedings in the state of origin.

Special recognition rules also apply to foreign decisions concerning the status of a marriage (Article 97 of the AussStrG). A foreign decision on legal separation, divorce, or annulment, as well as on the determination of the existence or non-existence of a marriage, is recognised in Liechtenstein if it is final and binding and no grounds for refusal exist. Recognition must, in particular, be refused if:

- it is contrary to domestic *ordre public*;
- the right to be heard of one of the spouses was not respected;
- it conflicts with a Liechtenstein decision or a previously recognised decision in the same matter; or
- it was issued by an authority that would not have had international jurisdiction under Liechtenstein law.

2.9 What is your court's approach to recognition and enforcement of a foreign judgment when there is: (a) a conflicting local judgment between the parties relating to the same issue; or (b) local proceedings pending between the parties?

It should be emphasised that foreign judgments are only binding or possess precedential effect in Liechtenstein if Liechtenstein has concluded a treaty on recognition and enforcement with the state of origin. As explained above, in civil matters this requirement currently applies only to Austria and Switzerland (see question 2.2). Consequently, judgments from third states do not produce binding or precedential effects domestically.

Conflicting local judgment:

- Reciprocity exists: if a conflicting domestic judgment became final before the foreign judgment, enforcement of the foreign judgment may be refused – potentially only following an objection by the obliged party – on the grounds that it violates the *ordre public* (e.g., due to non-compliance with *res judicata*).
- No reciprocity: the foreign judgment has no binding effect in Liechtenstein. If a conflicting domestic judgment exists, the Princely Court of Justice must refuse enforcement of the foreign judgment due to the absence of reciprocity and, consequently, the lack of binding effect and the prerequisites for enforcement. Should the court nevertheless grant enforcement, the obliged party may file an objection (Article 55 of the EO, see question 2.7) and invoke the absence of the conditions for recognition and enforcement.

Pending local proceedings:

- Same issue and a recognition/enforcement treaty exists: the court may stay the domestic proceedings until the foreign proceedings become final under Section 190 of the ZPO. Once the foreign proceedings are final, the domestic proceedings are subject to *res judicata*. The foreign judgment may then be enforced if all requirements set out in Articles 52 to 54 of the EO are met (see question 2.2).
- Same issue and no recognition/enforcement treaty exists: the foreign judgment has no binding effect. The court will not grant enforcement under the EO due to the absence of the necessary prerequisites. Consequently, the foreign judgment is irrelevant for the domestic proceedings, although it may still be submitted as evidence.

2.10 What is your court's approach to recognition and enforcement of a foreign judgment when there is a conflicting local law or prior judgment on the same or a similar issue, but between different parties?

The procedural doctrines of *res judicata* and *lis pendens* only apply between the same parties. Accordingly, they are generally irrelevant for the recognition and enforcement of a foreign decision concerning a similar dispute between different parties. Therefore, a prior domestic judgment or conflicting domestic provision does not, in principle, prevent the enforcement of a foreign judgment between different parties. However, if the conflicting domestic law or prior judgment involves legal rules or decisions concerning fundamental principles of Liechtenstein law, the court must refuse enforcement due to a violation of the *ordre public*.

2.11 What is your court's approach to recognition and enforcement of a foreign judgment that purports to apply the law of your country?

Under the rules set out in Articles 52 *et seq.* of the EO, the foreign judgment is not examined on its merits. Any review is likely to be limited to determining whether the foreign judgment violates the domestic *ordre public*. In the case of indirect recognition and enforcement under the RSO, a new judgment is technically issued. In the event of a negative declaratory action, the court examines all legal issues (including those under Liechtenstein law) as well as all factual issues.

2.12 Are there any differences in the rules and procedure of recognition and enforcement between the various states/regions/provinces in your country? Please explain.

No, there are no differences. In Liechtenstein, the same material and procedural law applies consistently to the recognition and enforcement of foreign decisions. Importantly, due to the small size of the country, the Princely Court in Vaduz generally has first-instance jurisdiction throughout Liechtenstein – except in cases concerning claims for official liability.

2.13 What is the relevant limitation period to recognise and enforce a foreign judgment?

Under Liechtenstein law, a judgment may be enforced within a 30-year limitation period, starting from the date the judgment becomes final and binding.

3 Special Enforcement Regimes Applicable to Judgments from Certain Countries

3.1 With reference to each of the specific regimes set out in question 1.1, what requirements (in form and substance) must the judgment satisfy in order to be recognised and enforceable under the respective regime?

Since Liechtenstein is neither a contracting state to the EuGVVO (as Liechtenstein is a member of the EEA but not the EU) nor to the Lugano Convention, the most significant

agreements governing the recognition and enforcement of foreign judgments are those concluded with Austria and Switzerland, as well as the New York Convention.

The relevant requirements for the recognition and subsequent enforcement of court decisions from Austria and Switzerland are as follows:

- no violation of the *ordre public*;
- the decision must have been rendered by a competent court (this is particularly the case if, among other things, the defendant was domiciled or had habitual residence in the deciding state at the time the proceedings were initiated);
- the decision must be final; and/or
- in the case of a default judgment, the order instituting the proceedings or the summons must have been duly served on the defaulting party in due time (in accordance with the principle of the right to be heard).

The following conditions must be satisfied for the recognition and enforcement of arbitral awards under the New York Convention:

- a certified copy of the arbitral award or a certified copy confirmed as conforming to such a true copy;
- upon request by the court, a certified copy or certified copy of the arbitral agreement; and
- if the arbitral award or arbitral agreement is not in German, an official or certified translation must also be provided.

As Liechtenstein entered a reservation upon acceding to the New York Convention, recognition and enforcement of arbitral awards require that the award was rendered in another contracting state.

3.2 With reference to each of the specific regimes set out in question 1.1, does the regime specify a difference between recognition and enforcement? If so, what is the difference between the legal effect of recognition and enforcement?

Although the agreements with Austria and Switzerland distinguish between recognition and enforcement, there are no specific procedural rules beyond the provisions regarding the documents to be produced. Instead, it is stipulated that the jurisdiction and procedure for enforcement are determined by the law of the state in which enforcement is sought. In other words, national law serves as the governing framework, and national law does not provide for a separate recognition procedure.

According to a 2017 decision by the Princely Supreme Court – the highest court in civil and criminal matters – the recognition and enforcement of foreign arbitral awards under the New York Convention is also governed by the provisions of the EO – and these do not provide for exequatur proceedings. Furthermore, the Princely Supreme Court emphasised that the New York Convention does not specify whether a contracting state shall enforce awards to the New York Convention directly or require an exequatur procedure. Rather, the New York Convention only stipulates that arbitral awards subject to the Convention are enforceable in the contracting states under the substantive conditions set out in the Convention.

3.3 With reference to each of the specific regimes set out in question 1.1, briefly explain the procedure for recognising and enforcing a foreign judgment.

In the absence of a separate exequatur procedure, an application for enforcement must be submitted directly to the Princely Court of Justice.

With regard to the enforcement of judgments from Austria and Switzerland, the following documents must be enclosed with the application for enforcement, in addition to the requirements already set out in question 2.6:

- an official copy of the judgment, bearing the signature and seal of the issuing court;
- court confirmation of the legal validity and enforceability of the judgment; and
- in the case of default judgments, proof of proper service of the document initiating the proceedings.

For the recognition and enforcement of arbitral awards under the New York Convention, the applicant must attach the following documents to the enforcement application:

- a certified copy of the arbitral award, or a certified copy confirmed as conforming to such a true copy; and
- upon request by the court, a certified copy, or a certified copy, of the arbitral agreement.

All documents submitted to the Princely Court of Justice must be in German. Certified German translations must be provided for each document.

3.4 With reference to each of the specific regimes set out in question 1.1, on what grounds can recognition/enforcement of a judgment be challenged under the special regime? When can such a challenge be made?

With regard to the agreements with Austria and Switzerland, the party against whom enforcement is sought may, for example, object that the formal requirements for recognition of the judgment have not been satisfied. For instance, the party may argue that the decision was not rendered by a “competent” court within the meaning of the respective agreement.

The grounds for refusal of recognition and enforcement under the New York Convention are as follows:

- lack of capacity to be a party under the law applicable to the party, or invalidity of the arbitral agreement under the chosen or applicable law;
- violation of the right to be heard (e.g., the party against whom the award is enforced was not duly notified of the appointment of the arbitrator or of the arbitral proceedings, or was otherwise unable to present its defences or remedies);
- the award exceeds the scope of the arbitral agreement;
- the composition of the arbitral tribunal or the arbitral proceedings violates the parties’ agreement or the applicable law; and/or
- the arbitral award is not binding, or has been set aside or suspended by a competent authority.

In addition, recognition and enforcement may be refused if the subject matter of the dispute is not capable of arbitration under Liechtenstein law, or if recognition or enforcement would be contrary to public policy.

4 Enforcement

4.1 Once a foreign judgment is recognised and enforced, what are the general methods of enforcement available to a judgment creditor?

The relevant provisions are contained in the EO. Firstly, a distinction must be made between enforcement relating to a monetary claim and enforcement to compel acts or omissions.

Enforcement relating to a monetary claim provides the creditor with the following measures:

- Enforcement against immovable property (Articles 58 *et seq.* of the EO):
 - Creation of a forced lien.
 - Compulsory administration.
 - Compulsory sale.
- Enforcement against movable property (Articles 168 *et seq.* of the EO):
 - Enforcement on tangible assets (movable property enforcement, Articles 168 *et seq.* of the EO).
 - Enforcement on monetary claims (claim enforcement, Articles 210 *et seq.* of the EO).
 - Enforcement on other property rights (Articles 241 *et seq.* of the EO).
 - Enforcement on claims for delivery and performance of tangible assets (Articles 237 *et seq.* of the EO).
- Enforcement to compel acts or omissions includes the following measures, among others:
 - Enforcement to compel toleration or prohibition of certain acts.
 - Enforcement to compel the submission of a declaration of intent.
 - Eviction enforcement.

5 Other Matters

5.1 Have there been any noteworthy recent (in the last 12 months) legal developments in your jurisdiction relevant to the recognition and enforcement of foreign judgments? Please provide a brief description.

There have been no legislative or regulatory changes in Liechtenstein concerning the recognition and enforcement of foreign judgments over the past 12 months.

5.2 Are there any particular tips you would give, or critical issues that you would flag, to clients seeking to recognise and enforce a foreign judgment in your jurisdiction?

As Liechtenstein is neither a contracting state to the EuGVVO nor to the Lugano Convention, and as the recognition and enforcement of foreign judgments are subject to the requirement of reciprocity – which currently exists only with Austria and Switzerland – the recognition and enforcement of foreign judgments in Liechtenstein is only possible to a very limited extent.

Although indirect enforcement is available under the RSO, if the obliged party files a negative declaratory action, a new proceeding will be initiated involving a full examination of the facts and legal circumstances.

Therefore, if it is foreseeable before initiating court proceedings that enforcement against the obliged party in Liechtenstein may be sought, the lawsuit should be filed in Liechtenstein.

Furthermore, the limited recognition and enforcement of foreign judgments in Liechtenstein should also be considered when drafting contracts, particularly when agreeing jurisdiction clauses. If enforcement in Liechtenstein is to be possible, a Liechtenstein jurisdiction (at least a choice of court) should be agreed, rather than agreeing on an exclusive foreign jurisdiction.



Dr. Thomas Wiedl has been working as an independent attorney in association with the law firm Ospelt & Partner Attorneys at Law Ltd. since 2012 and specialises in Civil Law, Employment Law, Procedural Law/Litigation, Criminal Law, Arbitration Law, Administrative Law and Insolvency Law. Prior to this, he worked for over four-and-a-half years as an attorney at a leading Liechtenstein law firm, and before that for four years at a prestigious law firm in Vienna.

He studied Law in Innsbruck and successfully completed his Doctorate in Law in 2003. He passed the Austrian Bar exam in 2006 and the Liechtenstein Bar exam in 2010. In 2021, he also passed the notary exam.

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Christina Müller joined Ospelt & Partner Attorneys at Law Ltd. in 2022. Initially working as an associate, she became an attorney in autumn 2024 upon successfully passing the Liechtenstein Bar exam, and specialises in Civil Law, Employment Law, Procedural Law/Litigation, Criminal Law, Administrative Law and Insolvency Law.

After successfully completing her Law degree at the University of Innsbruck in 2017 (*Mag. iur.*), she worked as a research assistant at the Institute for Criminal Law, Criminal Procedure Law and Criminology at the University of Innsbruck as part of an intended research project.

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