

**Foreign Trade and Payments Act
of 28 April 1961
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Part One
Legal Transactions and Acts

Chapter I
General Provisions

Section 1
Principles

- (1) The trade in goods, services, capital assets, payment transactions and any other types of trade with foreign economic territories, as well as the trade in foreign valuables and gold between German residents (foreign trade and payments) is, in principle, not restricted. It is subject to the restrictions which are contained in this Act, or which are laid down on the basis of this Act through statutory order.
- (2) Provisions contained in other acts and regulations, international agreements approved by legislative bodies in the form of a German federal law, as well as legal provisions made by organs of international institutions to which the Federal Republic of Germany has transferred sovereign jurisdiction, shall remain unaffected.

Section 2
Nature and Scope of Restrictions and Obligations to Act

- (1) Where restrictions are permitted under this Act, it may be laid down through statutory order that legal transactions and acts, in general or under specific conditions, are either
 1. subject to authorisation or
 2. prohibited.
- (2) The Federal Minister of Economics, in agreement with the Federal Foreign Office and the Federal Minister of Finance, may decree the necessary restrictions on legal transactions or acts, in order to avert a possible danger, which may arise in certain cases, for the legally protected rights referred to in Section 7 para. 1 of this Act. In case of measures related to the trade in capital assets, payment transactions or the trade in foreign valuables and gold, agreement with the German Federal Bank shall be made. The decree shall expire six months after its enactment, unless the restriction is laid down through statutory order.
- (3) Restrictions shall be limited in nature and scope to the extent necessary to achieve the objective stated in the authorisation. They shall be framed in such a way that the freedom of economic activity is hampered as little as possible. Restrictions may affect existing agreements only if the desired objective is in substantial jeopardy.
- (4) Restrictions shall be revoked as soon as, and insofar as the reasons warranting their imposition no longer apply.
- (5) Where independent obligations to act may be substantiated under this Act, paragraphs 2 and 3 above shall apply mutatis mutandis.

Section 3 **Granting of Authorisations**

- (1) Where legal transactions or acts are subject to authorisation under a provision of this Act or under a statutory order issued on the basis of this Act, the authorisation shall be granted if it is to be expected that carrying out the legal transaction or act will not endanger the objective of the provision, or will endanger it only insignificantly. In other cases, the authorisation may be granted if the national economic interest in carrying out the legal transaction or act outweighs its adverse effect on the objective of the provision concerned.
- (2) The granting of authorisations may be made dependent on material and personal conditions, in particular the reliability of the applicant. The same applies to certificates issued by the Federal Office of Economics and Export Control (BAFA) stating that the export is not subject to authorisation. Where the objective of a provision is such as to enable the granting of an authorisation on a limited scale only, the authorisation shall be granted in such a way as to use the available scope in the best interest of the national economy. Community residents whose business is particularly affected by a given restriction may be afforded preferential consideration.

Section 4 **Definitions**

- (1) For the purposes of this Act, the following definitions shall apply:
 1. economic territory:
the area of application of this Act;
the Austrian territories Jungholz and Mittelberg are considered part of the economic territory;
 2. foreign economic territories:
all areas outside the economic territory;
in case of the transfer of goods and electric power, the territory of Büsingen is considered part of foreign economic territories;
 3. Community territory:
the customs territory of the European Communities under Article 3 of Council Regulation (EEC) No. 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ EC No. L 302, p. 1);
 4. third countries:
all areas outside the Community territory;
 5. residents:
natural persons having their domicile or habitual abode in the economic territory, legal persons and partnerships whose registered office or seat of management is in the economic territory; branches maintained in the economic territory by non-residents are considered to be residents if they have their management and accounting functions here; permanent establishments maintained in the economic territory by non-residents are considered to be residents if they have their management here;
 6. Community residents:
persons having their residence in the European Communities under Article 4 no. 2 of Regulation (EEC) No. 2913/92;

7. non-residents:
natural persons having their domicile or habitual abode in foreign economic territories, legal persons and partnerships whose registered office or seat of management is in foreign economic territories; branches maintained in foreign economic territories by residents are considered to be non-residents if they have their management and accounting functions there; permanent establishments maintained in foreign economic territories by residents are considered to be non-residents if they have their management there.
8. Community non-residents:
all other persons except for Community residents.

(2) For the purposes of this Act, the terms listed below shall have the following meaning:

1. foreign assets:
immovable assets in foreign economic territories; accounts in Euro receivable from non-residents; means of payment, receivables and securities in foreign currencies;
2. goods:
movable, tradable objects and electric power, with the exception of securities and means of payment;
3. export:
the transfer of movables and electric power from the economic territory to foreign economic territories, unless otherwise provided in a statutory order issued on the basis of this Act;
4. import:
the transfer of movables and electric power from foreign economic territories to the economic territory, unless otherwise provided in this Act, in an annex to this Act or in a statutory order issued on the basis of this Act; where movables and electric power are transferred from third countries to a free zone or are transferred into an exemption procedure, an import is deemed to exist only if they are used, consumed, processed in the free zone or are brought into free circulation;
5. transit:
the transport of movables from foreign economic territories through the economic territory without their entering the market of the economic territory; transit also means a customs procedure for the transport of movables of free circulation from another Member State of the European Communities through the economic territory
6. gold:
fine gold and gold alloys in the form of bars or semi-finished material as well as gold coins which had been demonetized or withdrawn from circulation and have no recognised numismatic value;
7. securities:
all securities within the meaning of section 1 para. 1 of the Act on the Safe Custody and Purchase of Securities (Securities Deposit Act) of 4 February 1937 (Reich Law Gazette I, p. 171); shares in a collective security deposit or in a collective debt register claim are also considered to be securities; rights to the delivery or allotment of securities are equivalent to securities;
8. domestic securities:

securities issued by a resident, or prior to 9 May 1945 by a person whose domicile was in the territory of the German Reich as constituted on 31 December 1937;

9. foreign securities:
securities issued by a non-resident, provided that they are no domestic securities as defined in paragraph 8 above.

Section 4a **Branches and Permanent Establishments**

(1) For the purposes of this Act,

1. resident branches and permanent establishments maintained by non-residents as well as non-resident branches and permanent establishments maintained by residents are regarded as legally independent; several resident branches and permanent establishments maintained by one and the same non-resident are considered to be a single resident,
2. acts performed by or towards such branches or permanent establishments are considered to be legal transactions, insofar as such acts between natural persons or legal persons or partnerships would be legal transactions.

(2) Statutory orders issued under an authorisation obtained on this territory may prescribe that

1. resident branches and permanent establishments maintained by one and the same non-resident are each considered to be separate residents, notwithstanding paragraph 1 item 1 second half of the sentence,
2. several non-resident branches and permanent establishments of one and the same resident are considered to be a single non-resident, notwithstanding paragraph 1 item 1 first half sentence,
3. branches and permanent establishments are not considered to be residents or non-residents, notwithstanding section 4 para. 1 items 3 and 4,

where this is necessary to achieve the objective stated in the authorisation.

Section 4b **Legal Transactions for the Accounts of Non-Residents**

Statutory orders issued under an authorisation contained in this Act may prescribe that

1. restrictions on legal transactions by non-residents or between non-residents and residents imposed by a statutory order issued under this Act shall also apply to legal transactions involving the direct or indirect conclusion between a resident and a third party, for the accounts, or on behalf, of a non-resident, of a legal transaction which would be subject to restrictions if concluded between non-residents and residents or by non-residents,
2. acting for the accounts, or on behalf, of a non-resident within the meaning of no. 1 above shall be notified by the resident to the third party or via another person participating in the conclusion of the legal transaction before the transaction is carried out,

3. the legal transaction towards the third party shall be subject to those relevant restrictions which would apply if it had been undertaken by a non-resident, provided that the third party has received the notification under no. 2 above or has been informed in some other way, before the legal transaction is carried out, of the action for the account, or on behalf of a non-resident,

where this is required to achieve the purpose determined in the authorisation.

Section 4c

Legal Transactions for the Accounts of Residents

Statutory orders issued under an authorisation contained in this Act may also prescribe that restrictions on legal transactions between residents and non-residents imposed by a statutory order issued under this Act shall also apply to legal transactions involving the direct or indirect conclusion between a non-resident and a third party, for the accounts, or on behalf of a resident, of a legal transaction which, if concluded between residents and non-residents, would be subject to restrictions, where this is necessary to achieve the objective stated in the authorisation.

Chapter II.

General Scope for Restrictions

Section 5

Fulfilment of International Agreements

Legal transactions and acts in foreign trade and payments may be restricted, and existing restrictions may be repealed, to permit the fulfilment of international agreements approved by the legislative bodies in the form of a federal law.

Section 6

Protection against Adverse Influences from Foreign Economic Territories

- (1) Legal transactions and acts in foreign trade and payments may be restricted in order to prevent or counteract adverse effects on the economy or its individual branches in the economic territory if such consequences are impending or arise as a result of measures taken in foreign economic territories which
 1. restrict, distort or prevent competition, or
 2. lead to restrictions of economic transactions with the economic territory.
- (2) Legal transactions and acts in foreign trade and payments may also be restricted in order to prevent or counteract effects on the economic territory of conditions prevailing in foreign economic territories which are incompatible with the free and constitutional order of the Federal Republic of Germany.

Section 6a (repealed)

Section 7
Protection of Security and External Interests

- (1) Legal transactions and acts in foreign trade and payments may be restricted in order to
1. guarantee the vital security interests of the Federal Republic of Germany,
 2. prevent a disturbance of the peaceful coexistence between nations, or
 3. prevent a major disruption of the foreign relations of the Federal Republic of Germany.
- (2) According to paragraph 1 above, the following may be restricted in particular
1. the export or transshipment of
 - a) weapons, ammunition and military equipment,
 - b) objects which are useful in the development, production or use of weapons, ammunition and military equipment, or
 - c) constructional drawings and other production documents for the objects listed in letters a) and b) above,in particular, if the restriction serves the implementation of an export control agreed in international co-operation;
 2. the export of objects which are destined for the conduct of military actions;
 3. the import of weapons, ammunition and military equipment;
 4. legal transactions referring to industrial property rights, inventions, manufacturing processes and expertise relating to the goods and other objects listed under item 1 above.
 5. legal transactions referring to the purchase of resident companies which
 - a) produce or develop war weapons and other military equipment, or
 - b) produce cryptographic systems admitted for the transmission of governmental classified information by the Federal Office for Information Security Technology with the company's approval,or legal transactions referring to the acquisition of shares in such companies, in order to guarantee the vital security interests of the Federal Republic of Germany; this applies in particular if the political and security interests of the Federal Republic of Germany or the military security precautions would be endangered as a result of the purchase.
- (3) Legal transactions and acts of German nationals in foreign economic territories, which concern goods and other objects as per paragraph 2 item 1 above, including their development and production, may also be restricted under the objectives set out in paragraph 1, if the German national
1. holds an identification document of the Federal Republic of Germany or
 2. would be obliged to possess an identity card if he had a residence in the area of application of this Act.

This applies in particular if the restriction serves to aid the prevention of proliferation, agreed in international co-operation, of goods and other objects as per paragraph 2 item 1 above.

Chapter III
Trade in Goods

Section 8 **Export of Goods**

- (1) The export of goods may be restricted in order to prevent or counteract a threat to the satisfaction of the vital needs in the economic territory, or in parts thereof, in the interest of the national economy. Restrictions are admissible only if the needs cannot be satisfied in another way, or in time, or can be satisfied only with disproportionate means.
- (2) The export of food and agricultural products may be restricted in order to prevent or counteract considerable disturbance of exports through the delivery of low-quality products. In this connection minimum requirements for the quality of products may be prescribed by statutory order.
- (3) The export of goods which have been brought into the economic territory may be restricted in the context of cooperation in an international economic organisation in order to ensure the effective implementation of the Member States' regulations on the import of goods from territories outside the organisation.

Section 9 **Export Contracts**

- (1) In the case of legal transactions by which a resident undertakes to supply goods to foreign economic territories (export contract), the stipulation of terms of payment or delivery that are more favourable for the buyer than the customary commercial terms may be restricted in order to prevent or counteract a substantial disturbance of exports to the purchasing country.
- (2) With due regard to the foreign trade interests of the general public, the exporter shall fix prices in export transactions in such a way as to preclude adverse effects, in particular defensive measures by the purchasing or consumer country.

Section 10 **Import of Goods**

- (1) The import of goods by residents is permissible without a licence in accordance with the Import List (Annex). In other respects, the import of goods is subject to licensing.
- (2) The Import List may be amended by statutory order.
- (3) Import restrictions shall be lifted by amending the Import List where the objectives of sections 5 to 7, or a justified need for the protection of the economy, or of its individual branches in the economic territory, or in parts thereof, are no longer an obstacle to the lifting of such restrictions, also after paying due regard to the requirements of trade policy. The need for protection is justified if a lack of restrictions caused a situation in which goods would be imported in such high quantities and under such conditions as to cause, or threaten to cause, considerable damage to the production of similar goods, or goods usable for the same purpose in the economic territory, and if such damage must be warded off in the interest of the general public. Where the import is restricted by other legal provisions, the Import List should, in general, not be amended even if the requirements laid down in sentence 1 above are fulfilled.

- (4) Import restrictions may be imposed by amending the Import List only to the extent necessary to protect the interests specified in paragraph 3 above.
- (5) A statutory order may provide that imports are not subject to licensing
1. if the goods do not enter the market of the economic territory, or
 2. if a danger to the interests to be protected under paragraph 3 above is precluded by limiting the quantity or value of the goods, or by imposing restrictions on their use, or in any other way.

This applies, in particular, to imports into a free zone, imports for inward processing (exemption procedure), for imports to be placed under customs procedure, imports in tourist or local border traffic, imports for purposes of ship's fuel and stores, imports not intended for commercial use and imports of property through immigration and inheritance.

Section 10a **Import of Goods by Non-Residents**

- (1) (repealed)
- (2) (repealed)
- (3) It may be laid down by statutory order that Community non-residents are considered equal to residents with respect to the import of goods if the import by Community residents is permissible without a licence.

Section 11 **Delivery Periods for Imports not Subject to Licensing**

In case of imports not subject to licensing, the agreement and use of delivery periods may be restricted in order to protect the interests referred to in section 10 para. 3 above.

Section 12 **Import Subject to Licensing**

- (1) Import licences shall be granted for goods the import of which is subject to licensing after taking due account of commercial and other economic policy requirements as far as this is compatible with the protection of the interests referred to in section 10 para. 3 above.
- (2) When granting import licences the competent authorities shall act in accordance with the guidelines issued by the Federal Minister of Economics and the Federal Minister of Food, Agriculture and Forestry in mutual agreement, and in consultation with the Federal Minister of Finance and the German Federal Bank (Deutsche Bundesbank). On the basis of these guidelines the authorities responsible for the granting of import licences shall announce in the Federal Gazette the details to be observed in licence applications (public tender).

Section 13
Restrictions on the Use of Imported Goods

Where the import of goods is permitted or approved on the condition that the goods may be used only in a specific manner, the seller has to verifiably communicate this restriction upon the sale of the goods to each subsequent buyer. The importer and the buyer have to use the goods in the specified manner only.

Section 14
Safeguarding the Import of Vital Goods

Legal transactions with non-residents relating to goods the purchase of which has been agreed between countries to satisfy vital needs in the economic territory, or parts thereof, may be restricted in order to safeguard the import of such goods and their retention in the economic territory. Legal transactions relating to the processing and finishing of such goods in foreign economic territories may be restricted for the same purpose.

Chapter IV
Service Transactions

Section 15
Processing of Goods for Foreign Account

Legal transactions whereby a resident undertakes to process or finish goods of a non-resident in the economic territory (processing of goods for foreign account) may be restricted in order to counteract any threat to the satisfaction of vital needs in the economic territory, or in parts thereof. Section 8 para. 1 sentence 2 of this Act shall apply mutatis mutandis.

Section 16
Production and Distribution Rights

Legal transactions concerning the granting to a foreign economic territory of rights to the production and distribution of products the origin of which is connected with a particular geographic area may be restricted if the interests of the area of origin are substantially affected. This also applies to the contribution of such production and distribution rights to a company in a foreign economic territory.

Section 17
Audio-Visual Works

Legal transactions referring to

1. the purchase of representation and broadcasting rights to audio-visual works of non-residents, if the works are intended for presentation or distribution in the economic territory, and
2. the production of audio-visual works in co-operation with non-residents

may be restricted in order to preserve for the film industry of the economic territory sufficient scope for exploitation of the domestic market. The restrictions are permissible only if the film industry of the economic territory will suffer or be threatened by serious damage without them and if such damage has to be averted in the interest of the general public.

Section 18 Maritime Shipping

If international maritime shipping is impaired by measures which impede the competitive participation of the German merchant fleet in the transportation of goods, the conclusion of freight contracts on the transportation of goods by sea-going ships flying a foreign flag and the chartering of such vessels by residents may be restricted in order to counteract considerable adverse effects on the economic situation of the German merchant fleet.

Section 19 Civil Aviation

If international air traffic is impaired by measures which impede the competitive participation of German aircraft in the transportation of persons and goods, the conclusion of contracts on the transportation of persons and goods by aircraft not entered in the German aircraft register, and the chartering of such aircraft by residents may be restricted in order to counteract considerable adverse effects on the economic situation of German civil aviation.

Section 20 Inland Waterway Transport

Legal transactions between residents and non-residents the object of which is

1. to charter inland waterway vessels not entered in an inland shipping register in the economic territory,
2. to transport goods on such inland waterway vessels, or
3. to tow by means of such inland waterway vessels

in goods traffic within the economic territory may be restricted in order to prevent a disturbance of the order to be observed among carriers in the interest of the general public.

Section 21 Insurance against Losses

Legal transactions relating to hull insurance, protection and indemnity insurance, transport and aviation insurance between residents and insurance companies established in a foreign economic territory whereby resident companies in these insurance branches are hampered from carrying out their business may be restricted in order to counteract considerable adverse effects on the economic situation of the insurance branches concerned.

Chapter V Capital Transactions

Section 22
(repealed)

Section 23
(repealed)

Chapter VI Gold

Section 24
(repealed)

Part II Supplementary Provisions

Section 25 German Federal Bank

The restrictions contained in this Act or prescribed by statutory order on the basis of this Act do not apply to legal transactions and acts carried out by the German Federal Bank in the context of its functions, or to legal transactions and acts in which the German Federal Bank is a partner.

Section 26 Rules of Procedure and Reporting Regulations

- (1) Procedural regulations governing the conduct of legal transactions or acts in foreign trade and payments may be issued in the form of statutory orders to the extent that such regulations are necessary to implement this Act or rules of the type referred to in sentence 2, or to examine the legal transactions or acts as to their legitimacy within the meaning of this Act or of such rules. Rules within the meaning of sentence 1 are
1. the provisions of the treaties establishing the European Communities,
 2. provisions in treaties, including the appertaining documents and memoranda, which came about as a result of the treaties referred to in item 1, or which were concluded in order to extend, supplement or implement the latter treaties, or to establish an association, a preference or a free trade zone, and which were published and announced as having come into force in the Federal Law Gazette, in the Federal Gazette or Official Journal of the European Communities,
 3. legal instruments adopted by the Council or Commission of the European Communities on the basis or in the context of the treaties referred to in items 1 and 2 above.

Furthermore, recording and preservation requirements may be prescribed by statutory order, where they are necessary to monitor the legal transactions or acts as to their legitimacy within the meaning of this Act, or of rules of the type specified in sentence 2, or in compliance with reporting requirements in accordance with paragraphs 2 and 3, and where they do not yet exist under provisions of commercial or tax legislation.

- (2) It may be decreed by statutory order that legal transactions and acts in foreign trade and payments, particularly claims and liabilities arising therefrom, as well as investments and payments made or received, must be reported, citing the legal grounds, if this is necessary in order
1. to determine whether the circumstances for the lifting, relaxation or imposition of restrictions exist,
 2. to permit the compilation of the balance of payments of the Federal Republic of Germany on a regular basis,
 3. to guarantee the safeguarding of foreign economic and political interests,
 4. to permit the fulfilment of obligations arising from international agreements.
- (3) It may also be decreed by statutory order that the level and selected items of the composition of assets owned by residents in foreign economic territories, and by non-residents in the economic territory must be reported to the extent that this is necessary to achieve the objectives referred to in paragraph 2 items 1 to 4. Assets within the meaning of sentence 1 also include indirect participation in a company. If the reportable assets include a direct or indirect participation in a company it may be decreed that the level and selected items of the composition of assets owned by the company in which the stake is held shall be reported as well.
- (4) The nature and scope of reporting requirements shall be limited to the extent necessary to achieve the objective specified in paragraphs 2 and 3 above. Sections 9, 15 and 16 of the Federal Statistics Act apply mutatis mutandis in the cases referred to in paragraph 2 items 1 to 4 and in paragraph 3.

Section 26a

Specific Reporting Requirements

- (1) It may be decreed by statutory order that legal transactions and acts relating to goods and technologies in the nuclear, biological or chemical sections of Part I of the Export List (Annex AL to the Foreign Trade and Payments Regulation) must be reported to the Federal Office of Economics and Export Control (BAFA), where this is necessary to achieve the objectives referred to in sections 5 and 7 para. 1, in particular to monitor foreign trade transactions. The Federal Office of Economics and Export Control (BAFA) may counter-check the information, collected on the basis of a statutory order pursuant to sentence 1, with other data stored for the purposes mentioned in sentence 1.
- (2) The information gathered on the basis of a statutory order under paragraph 1 shall be kept secret. They may be communicated to the Federal Minister of Economics and the authorities responsible for the monitoring of foreign trade transactions, where this is necessary to achieve the objectives specified in paragraph 1. They must not be used for purposes other than those referred to in paragraph 1 above. Section 45 of this Act shall remain unaffected.
- (3) The nature and scope of the reporting requirements shall be limited to the extent necessary to achieve the objectives specified in paragraph 1 above.

Section 27

Issue of Statutory Orders

- (1) The Federal Government shall issue the statutory orders provided for under this Act; however, statutory orders serving the fulfilment of obligations from international agreements (section 5) shall be issued by the Federal Minister of Economics after consulting the Federal Ministers for Foreign Affairs and Finance. The statutory orders shall not require the approval of the Federal Council (Bundesrat). However, the Federal Council's approval is required for statutory orders pursuant to section 28 para. 3 sentence 1. In case of provisions affecting capital and payment transactions or transactions in foreign assets and gold, the German Federal Bank shall be consulted.
- (2) Immediately after promulgation, the statutory orders shall be communicated to the Parliament (Bundestag) and, if Bundesrat approval is not required, also to Bundesrat. The Bundesrat may comment to the Bundestag within four weeks. The statutory orders shall be repealed immediately if the Bundestag so demands within four months after their promulgation. Sentences 1 to 3 shall not apply to statutory orders whereby the Federal Government or the Federal Minister of Economics has lifted or imposed restrictions on trade in goods with foreign economic territories in exercising rights or fulfilling obligations from international agreements approved by the legislative bodies in the form of a federal act.

Section 28 **Licensing Authorities**

- (1) The granting of authorisations on the basis of this Act and of statutory orders issued thereunder as well as on the basis of acts of law issued by the Council or Commission of the European Communities in the field of foreign trade legislation is the responsibility of authorities designated by the Laender governments, unless otherwise provided in the following paragraphs.
- (2) Sole responsibility is exercised by
 1. the German Federal Bank in the field of capital and payment transactions as well as trade in foreign assets and gold pursuant to section 2 para. 2, sections 5 to 7.
 2. the Federal Ministry of Economics and Labour after consulting the Federal Foreign Office and the Federal Ministry of Defence in the case of section 7 para. 2 no. 5. In the case of section 7 para. 2 no. 5 second bullet-point additional agreement with the Federal Ministry of the Interior shall be required.
- (2a) The Federal Office of Economics and Export Control (BAFA) shall exercise the sole responsibility for the trade in goods and services pursuant to sections 5, 6, 7 to 16 in the context of the common market organisations of the European Communities for tobacco leaf, flax and hemp.
- (2b) The Federal Minister of Food, Agriculture and Forestry, acting in agreement with the Federal Minister of Economics, is authorised to assign, by statutory order not requiring Bundesrat approval, the sole responsibility for trade in goods and services under sections 5, 6, 7 to 16, in products of the food industry and agricultural products other than those referred to in paragraph 2a above, in products in respect of which rules of the nature specified in section 26 para. 1 sentence 2 have been adopted to supplement or safeguard a common market organisation, to the Federal Agency for Agriculture and Food. Section 27 shall not be applicable.
- (3) Where a centralised processing is required for the granting of authorisations in certain fields of foreign trade and payments, the following responsibilities may be prescribed by statutory order, notwithstanding the provisions of paragraph 1:

1. the Federal Office of Economics and Export Control (BAFA) in the field of foreign trade in goods and services pursuant to sections 5 to 17 and 21, as well as in the purview of acts of law issued by the Council or Commission of the European Communities within the meaning of paragraph 1,
 2. (repealed)
 3. the Federal Minister of Transport in the field of services in the transport sector pursuant to sections 5 to 7 and 18 to 20.
- The responsibilities of the Federal Minister of Transport in accordance with item 3 may be delegated to subordinate authorities by statutory order.

Section 28
(repealed)

Section 29
Authority to Issue Directives

The Federal Government is authorised to issue individual directives to the supreme laender authorities concerning the implementation of this Act and of the statutory orders issued thereunder in instances which are of considerable importance in terms of scale, or in which the decision is of fundamental nature. The directives may be issued only in order to ensure the equal treatment of legal transactions and acts or to bring about an equal evaluation of infringements.

Section 30
Authorisations

- (1) Authorisation may be provided with collateral clauses. The authorisations are not transferable unless otherwise provided therein.
- (2) The authorisation, the denial of an application for the granting of an authorisation, the withdrawal and revocation of an authorisation shall be made in writing.
- (3) Objections to and appeals against a decision shall have no suspending effect.

Section 31
Legal Invalidity

- (1) A legal transaction that is undertaken without the necessary authorisation has no legal force. It becomes valid from the date it was undertaken through subsequent approval. The retroactive effect does not affect rights to the objects of the legal transaction acquired by third parties prior to its authorisation.
- (2) A legal transaction in connection with the acquisition of a resident company, which is subject to reporting under section 7 para. 1 and 2 no. 5 in connection with an authorisation by the federal government to prohibit the acquisition within a given period of time, is provisionally ineffective up to the expiry of this period. The legal transaction will become effective after the expiry of the period unless the authority takes another decision before of the deadline.

Section 32
Judgement and Execution

- (1) Where performance by a debtor requires an authorisation, a judgement may be rendered prior to the granting of the authorisation, provided that the operative part of the judgement includes a reservation to the effect that the performance or execution must not take place until the authorisation has been granted. This applies accordingly to other titles for execution if enforcement may be made only by virtue of an official copy of the title. Civil arrest and provisional injunction serving merely to secure the underlying claim may be issued without reserve.
- (2) Where performance by a debtor requires an authorisation, execution is only permissible if and as far as the authorisation has been granted. Where the purchase or sale of assets is subject to authorisation, this shall also apply to the purchase and sale by way of execution.

PART III
Provisions Relating to Penalties, Fines and Surveillance

Section 33
Regulatory Offences

- (1) A regulatory offence is deemed to be committed by anyone who intentionally or negligently violates a statutory order issued under section 7 in conjunction with section 2 of this Act, where the statutory order refers to this provision relating to fines for certain offences.
- (2) A regulatory offence is deemed to be committed by anyone who intentionally or negligently
 - 1. disobeys an executable directive under section 2 para. 2 sentence 1,
 - 1a. imports goods without the licence required under section 10 para. 1 sentence 2,
 - 2. notwithstanding section 13 sentence 1, fails to inform the buyer about a restriction on the use of the goods and, thus, causes the goods to be used contrary to the restriction,
 - 3. being the importer or buyer of the goods, uses them contrary to a restriction on their use (section 13 sentence 2), or
 - 4. violates an enforceable condition under section 30 para. 1 sentence 1.
- (3) A regulatory offence is also deemed to be committed by anyone who intentionally or negligently violates a statutory order issued in conjunction with section 2,
 - 1. pursuant to sections 4b, 4c, 6, 8 para. 3, 9 para. 1, sections 11, 14 to 21 or
 - 2. pursuant to sections 5, 8 para. 1 or 2

where it refers to this provision relating to fines for a certain offence.

- (4) A regulatory offence is also deemed to be committed by anyone who intentionally or negligently violates restrictions on foreign trade laid down in acts of law of the European Communities, where a statutory order under sentence 2 refers to this provision relating

to fines for a certain offence. These offences may be defined by statutory order, where this is required for the implementation of the acts of law of the European Communities.

- (5) A regulatory offence is also deemed to be committed by anyone who
1. makes or uses false or incomplete statements of a factual nature, in order to obtain by fraud for himself or for any other person an authorisation or a certificate required under this Act or under a statutory order issued to implement this Act,
 2. intentionally or negligently violates a statutory order issued under sections 26 or 26a, where it refers to this provision relating to fines for a given offence,
 3. contrary to section 44, fails to provide information, or provides them incompletely or incorrectly, fails to submit business records, or refuses to permit an examination, or contrary to section 46 para. 1, fails to explain the facts specified therein, or refuses to permit an investigation or audit, or contrary to section 46 para. 2, fails to make a declaration or, contrary to section 46 para. 3 fails to present a consignment, or
 4. prevents or impedes the review (section 44) of circumstances pertinent to this Act or a statutory order issued to implement this Act, by failing to maintain or maintain properly, or failing to keep in safe custody, or concealing books and records which he is required to maintain or safe keep in accordance with the provisions of commercial and tax legislation.
- (6) In the cases of paragraphs 1, 2, 3, 4 and 5 item 1, the regulatory offence may be punished by a fine up to € 500,000, in the cases of paragraph 5 items 2 to 4, by a fine up to € 25,000.
- (7) The attempt to commit a regulatory offence may be punished in the cases of paragraphs 1, 2 item 1a, paragraph 3 item 2 and paragraph 4.

Section 34 **Criminal Offences**

- (1) A prison sentence of up to five years or a fine may be imposed on anyone who exports without an authorisation
1. goods referred to in Part I Sections A or C, Category 0, Category 1 items 1C350, 1C351, 1C352, 1C353, 1C354, Category 2 item 2B350, 2B351 or 2B352 of the Export List (Annex AL to Foreign Trade and Payments Regulation) and documents for the production of these goods, or
 2. documents referring to technologies or data processing programmes specified in the individual items of Part I Sections A or C, Category 0 of the Export List.
A punishment shall also be imposed on anyone who exports goods, the export of which is prohibited, or documents for the production of such goods.
- (2) A prison sentence of up to five years or a fine shall be imposed on anyone who perpetrates an act referred to in section 33 para. 1, 4 or 5, which is likely to considerably threaten
1. the external security of the Federal Republic of Germany,
 2. the peaceful coexistence between nations or
 3. the foreign relations of the Federal Republic of Germany.

provided that the deed is not punishable as per paragraphs 1 or 4.

- (3) A punishment shall also be imposed on anyone who, in the cases of paragraphs 1 and 2, encourages the export by providing the commodity to be exported or documents for their production or essential components thereof.
- (4) A prison sentence of no less than two years shall be imposed on anyone who violates a provision of this Act, or a statutory order issued thereunder, or an act of law of the European Communities which was published in the Federal Law Gazette or Federal Gazette and is related to restrictions on foreign trade serving the implementation of economic sanctions adopted by the United Nations Security Council under Chapter VII of the United Nations Charter. In less serious cases, the punishment shall be a prison sentence of three months up to five years.
- (5) In the cases of paragraphs 1 and 2 the attempt shall be punishable.
- (6) In particularly serious cases of paragraphs 1 and 2, the punishment shall be a prison sentence of no less than two years. A particularly serious case is generally assumed if the offender
 - 1. causes the risk of a serious detriment to the external security of the Federal Republic of Germany, or
 - 2. acts professionally or as a member of a gang that has been formed for the continuous committal of such criminal offences, with the assistance of another member of the gang.
- (7) Where the offender acts negligently in the cases of paragraphs 1, 2 or 4, the punishment shall be a prison sentence of up to three years or a fine.
- (8) Anyone who acts on the basis of an authorisation he obtained by fraud or as a result of false or incomplete information, acts without an authorisation within the meaning of paragraph 1 above. Sentence 1 shall apply accordingly in the cases of paragraphs 2 and 4 above.

Section 35 **Deeds of German Nationals Abroad**

Section 34 applies independently of the *lex loci delicti commissi*, also abroad if the perpetrator is a German national.

Section 36 **Confiscation**

- (1) Where a regulatory offence under section 33 or a criminal offence under section 34 was committed, the following objects may be confiscated
 - 1. objects to which the regulatory offence or criminal offence is related and
 - 2. objects which were required or intended for their committal or preparation.
- (2) Section 74a of the Penal Code and section 23 of the Regulatory Offences Act shall be applicable.

- (3) In the cases of section 34 para. 1 to 5, also in conjunction with section 35, section 73d of the Penal Code shall be applied if the offender acts professionally or as a member of a gang that has been formed for the continuous committal of such criminal offences.

Section 37

Power of the Customs Authorities

- (1) The Public Prosecutor and the administrative authority may also entrust the main customs offices or customs investigation offices with the investigation in case of criminal and regulatory offences under sections 33 and 34 of this Act or section 19 para. 1 to 3, section 20 para. 1 and 2, also in conjunction with sections 21 or 22 a para. 1 items 4, 5 and 7 of the War Weapons Control Act.
- (2) The main customs offices and customs investigation offices as well as their customs officers also have to examine and prosecute criminal offences and regulatory offences of the type referred to in paragraph 1 without the official request of the Public Prosecutor or administrative authority, if they concern the transfer of objects. The same applies to cases of imminent danger. Section 163 of the Code of Criminal Procedure and section 53 of the Regulatory Offences Act shall remain unaffected.
- (3) In the cases of paragraphs 1 and 2, the customs officers of the main customs offices and customs investigation offices shall have the rights and duties of police officers in accordance with the provisions of the Code of Criminal Procedure and the Regulatory Offences Act. In this respect, they are auxiliary officials of the Public Prosecutor .
- (4) In these cases, the main customs offices and customs investigation offices as well as their officers may initiate summary proceedings concerning administrative penalties and effect seizure attachment, search, investigation and other measures in accordance with the provisions of the Code of Criminal Procedure applying to auxiliary officials of the Public Prosecutor; under the conditions of section 1111 para. 2 sentence 2 of the Code of Criminal Procedure the main customs offices may direct the emergency sale.

Section 39

Restrictions on the Privacy of Letters, Post and Telecommunications

- (1) In order to prevent criminal offences under the Foreign Trade and Payments Act or the War Weapons Control Act the Customs Criminological Office (Zollkriminalamt) shall be authorised to open and check shipments of goods which are subject to the privacy of letters, post and telecommunications, as well as to supervise and record telecommunications, including information data stored in the telecommunication network, following the entry into force of the order (section 40). The basic right to the secrecy of letters, post and telecommunications (Article 10 of the Basic Law) shall be limited in this respect.
- (2) Restrictions under paragraph 1 may be imposed only on
1. persons who give reasons to assume that they plan criminal offences of considerable consequence under section 34 para. 1 to 6 also in conjunction with section 35 of this Act or section 19 para. 1 to 3, section 20 para. 1 and 2, each in conjunction with section 21 or 22a para. 1 items 4, 5 and 7 of the War Weapons Control Act,
 2. a natural or legal person or partnership, if a person specified in item 1 above works for that person, and a measure taken under item 1 above is not sufficient, or

3. other persons who give reasons to assume, on the basis of certain facts, that they take or receive information from a person specified in item 1 above, or pass on information to such a person, or that such person uses their telephone connections.

The steps under item 2 above may be decreed only if actual grounds for suspicion give reason to assume that the person participates in the postal relations of the natural or legal persons or partnership or uses their telephone connection.

- (3) The decree is only permissible if the investigation of the facts would otherwise be hopeless or essentially impeded, and the measure is not out of proportion to the importance of the circumstances to be clarified. The measures may also be taken if the involvement of third parties is unavoidable.
- (4) Prior to the application for an order, the Public Prosecutor's office shall be informed. The Public Prosecutor's office must also be informed about the judicial decision, the decision of the Federal Minister of Finance in case of imminent danger and of the result of the measures applied for.
- (5) Article 1 section 1 para. 2 to 4 of the Act on Article 10 of the Basic Law shall apply *mutatis mutandis*.

Section 40 **Judicial Order**

- (1) Restrictions under section 39 para. 1 shall be applied for and substantiated in writing by the head of the authority or his deputy, indicating the type, scope and duration of the intended measure after the approval by the Federal Minister of Finance. It has to be explained in the application that the conditions specified under section 39 para. 3 sentence 1 are fulfilled.
- (2) The order shall be made by the regional court, in case of imminent danger by the Federal Minister of Finance. The order given by the Federal Minister of Finance shall expire unless it is confirmed by the regional court within a period of three days.
- (3) The regional court in whose district the Zollkriminalamt has its seat shall be responsible. The provisions of the German Ex Parte Jurisdiction Act shall apply accordingly to the proceedings.
- (4) The order shall be issued in writing. It must contain the name and address of the person affected by the order, in case of telecommunications supervision, also the telephone number or another code of the telephone connection. It must determine the type, scope and duration of the measure. The order shall be limited to a period not exceeding three months. An extension by another three months' period is permissible, provided that the conditions laid down in section 39 continue to exist.

Section 41 **Implementing Provisions**

- (1) The measures resulting from the order under section 39 para. 1 shall be taken under the responsibility of the Zollkriminalamt and under the supervision of a staff member who has the qualification for holding judicial office. Article 1 section 7 para. 2 and section 8 of the Act on Article 10 of the Basic Law shall be applied accordingly.

- (2) The personal data obtained by the measure shall only be used and processed by the public authorities for the prevention or examination of criminal offences specified in section 39 para. 1 of this Act and Article 1 section 2 para. 1 and section 3 para. 3 of the Act on Article 10 of the Basic Law, where the evaluation resulted in facts justifying the assumption that such a criminal offence was planned, is being or was committed.
- (3) Where the documents which were obtained through the above measures and are related to a person participating in post or telecommunications, are no longer required for the purposes mentioned in paragraph 2, they shall be immediately liquidated under the supervision of a staff member referred to in paragraph 1. Checks shall be conducted in regular periods in order to ensure the proper destruction.
- (4) The person concerned shall be informed about the measures taken by the Zollkriminalamt as soon as this is possible without risking the purpose of the measure. Where preliminary investigation was initiated for the same facts, the Public prosecutor shall decide about the time of informing the person concerned.
- (5) The Federal Minister of Finance shall inform a body consisting of nine members nominated by the Bundestag about the implementation of sections 39 to 43 of this Act in regular periods not exceeding six months.

Section 42 **Obligation of Secrecy**

- (1) Where restrictions are imposed under sections 39 to 41, this fact must not be communicated to others by persons rendering post or telecommunication services, or participating in the provision of such services.
- (2) A prison sentence of up to two years or fines shall be imposed on anyone who, contrary to paragraph 1 above, provides information.

Section 43 **Payment in Lieu of Performance**

The Zollkriminalamt shall grant compensation to persons rendering post and telecommunication services or participating in the provision of such services, for their performance in imposing restrictions under section 39 para. 1; the amount of compensation is fixed in accordance with section 17a of the Law on the Compensation of Witnesses and Experts.

Section 44 **General Duty to Provide Information**

- (1) The administrative authority, the German Federal Bank, the Federal Office of Economics and Export Control (BAFA) and the Federal Agency for Agriculture and Food may demand information, where this is required to monitor the compliance with this Act and with the statutory orders and directives issued on this Act, as well as with acts of law by the Council or Commission of the European Communities in the field of foreign trade legislation. For this purpose, they may demand the presentation of business documents. The administrative authority and the German Federal Bank may also conduct inspections

of the persons obliged to provide information for the above-mentioned purpose; the Federal Office of Economics and Export Control (BAFA) and the Federal Agency of Agriculture and Food may send authorised persons to the inspections. In order to carry out the inspections the staff members of the authorities referred to in sentence 3 and their authorised representatives may enter the business premises of the persons obliged to furnish information; in this respect, the basic right laid down in Article 13 of the Basic Law shall be restricted.

- (2) Anyone who participates directly or indirectly in foreign trade and payments shall be obliged to provide information.
- (3) The person obliged to furnish information may refuse to provide information on questions the answer to which would make himself or a relative, as specified in section 383 para. 1 items 1 to 3 of the Code of Civil Procedure, liable to judicial prosecution or to proceedings under the Regulatory Offences Act.

Section 45

Transmission of Information by the Federal Office of Economics and Export Control (BAFA)

- (1) The Federal Office of Economics and Export Control (BAFA) may transmit information obtained in the course of the fulfilment of its tasks under this Act, the War Weapons Control Act or acts of law of the Council or Commission of the European Communities in the field of foreign trade legislation, and the notifications based on a statutory order under section 26a to the other authorities, where this is required to achieve the objectives mentioned in section 5 or section 7 para. 1 of this Act, or to prevent or prosecute criminal offences. In addition, the Federal Office of Economics and Export Control (BAFA) may pass on information and notifications to the Federal Intelligence Service (BND) if the pre-requisites of section 8 para. 1 or 3 of the BND Act are fulfilled. The Federal Office of Economics and Export Control (BAFA) may transmit the information obtained in the course of the fulfilment of its tasks under this Act to other authorities responsible for the supervision of foreign trade and payments, where this is required to achieve the objectives specified in sections 6, 8 to 17 and 21 as well as in the cases of section 5 being of no importance to foreign or security policy. The recipients shall only use the information for the purpose for which it was transmitted.
- (2) The Zollkriminalamt is entitled under paragraph 1 to retrieve data from an automated data processing system provided that it is required for the supervision of foreign trade and payments in an individual case.
- (3) When establishing the retrieval procedure, the Zollkriminalamt and the Federal Office of Economics and Export Control (BAFA) shall lay down in writing the type of the data to be transmitted and the technical and organisational measures necessary under section 6 of the Federal Data Protection Act.
- (4) The establishment of the retrieval procedure shall require the consent of the Federal Minister of Finance and of the Federal Minister of Economics. The Federal Data Protection Commissioner shall be informed about the retrieval procedure as well as about the measures taken under paragraph 3.
- (5) The Zollkriminalamt shall be responsible for the permissibility of each individual retrieval. Retrieval in the automated procedure must only be made by staff members who have been especially authorized therefor by the management of the Zollkriminalamt. The Federal Office of Economics and Export Control (BAFA) shall check the permissibility of

the retrieval only if there is a reason for this. It shall guarantee that the communication of data can be assessed and checked at least by taking appropriate random samples.

Section 45a
(repealed)

Section 45b
Transmission of Personal Data from Criminal Proceedings

In criminal proceedings due to infringements of this Act or of the War Weapons Control Act the courts or public prosecutors may transmit personal data to the supreme federal authorities if this is required for achieving the objectives set out in sections 5 and 7 para. 1. The data obtained under sentence 1 may only be used for the above purposes. The recipient may, however, only pass on the data to a public authority not mentioned in sentence 1 if the interest in the use of the transmitted data considerably outweighs the interest of the person concerned in keeping them secret, and the purpose of investigation of the criminal proceedings cannot be endangered.

Section 46
Surveillance of the Transport of Goods, Postal Services and Tourist Traffic

- (1) Movables which are exported, imported or on transit shall be presented upon request. They may be subjected to an examination or inspection. Means of transport, pieces of luggage and other containers may be checked whether they contain objects the export, import or transit of which is restricted.
- (2) Anyone who travels to a foreign economic territory or enters from a foreign economic territory has to declare upon request whether he carries objects the transfer of which is restricted pursuant to this Act or to a statutory order issued on the basis of this Act.
- (3) Anyone who intends to export movables to an economic territory has to present the consignment to the competent customs authorities for export clearance. Details are laid down by statutory order under section 26. In order to facilitate postal freight and tourist traffic exceptions may be permitted by statutory order provided that the objective of surveillance is not endangered thereby.
- (4) The customs authorities shall monitor compliance with the provisions of this Act and with the statutory orders issued thereunder concerning the export, import and transit, as well as with acts of law of the Council and the Commission of the European Communities in the field of foreign trade legislation. The Federal Minister of the Interior shall determine which authorities of the Federal Border Police are responsible for monitoring the export of weapons and explosives; sentence 1 above shall remain unaffected.

Section 46a
Costs

- (1) The customs authorities may levy charges for the clearance outside the customs premises or after hours in implementing the provisions of this Act or of statutory orders issued thereunder with regard to export, import and transit as well as acts of law issued

by the Council or the Commission of the European Communities in the field of foreign trade legislation.

- (2) The provisions on costs charged on the basis of section 178 of the Fiscal Code apply accordingly to assessing the costs and the procedure for their collection.

Part IV Final Provisions

Section 47 Repeal of Regulations

- (1) The following shall no longer be applied to foreign trade and payments:
 1. Law 53 (amended version), Control of Foreign Exchange and of the Movement of Property enacted by the US Military Government; Law 53 (amended version), Control of Foreign Exchange and of the Movement of Property enacted by the UK Military Government; Ordinance 235 (amended version, Control of Foreign Exchange and of the Movement of Property, issued by the High Commissioner of the French Republic in Germany;
 2. the implementing orders, general authorisations and other regulations relating to the provisions referred to in paragraph 1;
 3. Law 33 of the Allied High Commission, Control of Foreign Exchange;
 4. Article 1 para. 1 sub-para. f of Law 52 of the Supreme Commander – Blocking and Control of Property;
 5. paragraph 15 c of the Act on the Establishment of the Bank of the German Laender;
 6. section 20 of the Economic Offences Act of 9 July 1954 (Federal Law Gazette - BGBl. I, p. 175);
- (2) The following shall be repealed
 1. Section 10 of the Act on the Promotion of Power Industry of 13 December 1935 (Reich Law Gazette – RGBL. I, p. 1451);
 2. Ordinance on Commercial Assistance in Foreign Exchange Matters of 29 June 1936 (RGBL. I, p. 524);
 3. the Act on the Export and Import Prohibition of 25 March 1939 (RGBL. I, p. 578) and the provisions implementing this Act issued thereunder;
 4. Ordinance on Transit Prohibitions of 14 May 1940 (RGBL. I, p. 786) and the directives issued thereunder;
 5. Act relating to Unjustified Non-Utilisation of Import Licences of 27 December 1951 (BGBl. I, p. 1005)

Section 48 Amendment and Supplementing of Acts

- (1) In section 401a para. 3 of the Reich Fiscal Code as amended by the law of 4 July 1939 (RGBL. I, p. 1181) the words “threatened by punishment in other provisions” shall be replaced by the words “to be punished pursuant to other provisions”.
- (2) The Act on the Prevention of Abuse in the Field of Legal Advice of 13 December 1935 (RGBL. I, p. 1478) shall be amended as follows:
 1. Article 1 section 4 para. 1 item 3 is repealed.
 2. Article 1 section 4 para. 2 sentence 2 is repealed.

3. In Article 5 the following words are deleted: “for provision of legal services in foreign exchange matters and matters relating to the Ordinance on Transactions in Goods of 4 September 1934 (RGBl. I, p. 816) by the Reich Minister of Economics.
4. After Article 3 the following Article 3a is added:

“Article 3a

A permit to provide assistance on a commercial basis in foreign exchange matters, which has been granted pursuant to section 1 of the Ordinance on Commercial Assistance in Foreign Exchange Matters of 29 June 1936 (RGBl. I p. 524) is considered, from the date of expiry of this ordinance, to be a permit pursuant to section 1 of this Act. The permit grants authority to render commercial assistance in legal matters relating to the Foreign Trade and Payments Act of 28 April 1961 (BGBl. I, p. 481). The scope of the individual permit otherwise remains unaffected; the same applies to the rights arising from the permit.”

- (3) In section 19 para. 1 of the Act on the Fiscal Administration of 6 September 1950 (BGBl. p. 448) the following words are deleted: “and of infringements within the meaning of Article VIII of Law 53 (amended version).
- (4) In the Act on the Tasks of the Federal Government in the field of Maritime Shipping of 22 November 1950 (BGBl. p. 767), as amended by the Act of 8 October 1957 (BGBl. II, p. 1469) the following new section 3 is added:

“Section 3

- (1) The Federal Government shall be responsible for the elimination or prevention of a lack of shipping space in a period of economic crisis. For this purpose, maritime shipping companies may be obliged, in accordance with a statutory order under paragraph 2, to render services for the transportation of imported and exported goods to the extent necessary to satisfy vital needs or to fulfil obligations of the Federal Republic of Germany under international agreements. An obligation may only be imposed if its objective cannot be achieved in another way or in due time, or can be achieved with disproportionate means only. The party obliged to render such services shall receive from the Federal Government a compensation commensurate with the customary remuneration and tariffs paid for comparable services in trade transactions.
- (2) The Federal Minister of Transport is authorised to issue a statutory order determining the type, scope and duration of the obligation to provide services under paragraph 1 sentence 2 as well as to fix the responsibility and procedures.”

Section 49 (repealed)

Section 50 **Transitional Provision**

- (1) Legal transactions that would have been subject to licensing under the provisions which are no longer applicable pursuant to section 47 para. 1, if no decision as to their licensing has been taken yet, shall, upon entry into force of this Act, become valid as from the date when they were conducted, provided that they may be conducted without an authorisation as from the entry into force of this Act. Section 31 sentence 3 applies accordingly.

- (2) If other regulations make reference to the provisions specified in section 47 para. 1 item 1, the latter shall be replaced by this Act, insofar as this Act applies.

Section 51
Time Limitation

Sections 39 to 43 shall expire on 31 December 2002.

Section 52
Entry into Force

- (1) This Act enters into force on the first day of the fourth calendar month following this promulgation.¹
- (2) Authorisations to issue statutory orders reserved under this Act enter into force upon the promulgation of this Act, provided that the statutory orders must not take effect prior to the date referred to in paragraph 1.

¹ Note: Promulgated on 5 May 1961.