

Information Exchange Pursuant to the OSCE Document on Small Arms and Light Weapons

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1 National Marking Systems

Pursuant to German constitutional law, lawmaking in the field of war weaponry is a matter of exclusive federal legislation. The federal states (*Länder*) have the right to legislate in matters concerning small arms and light weapons (SALW) not designed as war weapons only to the extent the Federal Republic has refrained from legislating on the federal level; art. 74(1)(4a) of the German Basic Law (*Grundgesetz*; official acronym: "GG").

After promulgation, in 1972, of the German Weapons Act (*Waffengesetz*; official acronym: "WaffG"), as amended, and of subsequent Ordinances implementing the Weapons Act, there is practically merely subsidiary space left for state legislation in non-war SALW matters.

Provisions establishing obligations to mark *firearms* are contained in s. 13 *WaffG*. Exceptions from these obligations are put forward in s. 14. The provisions in s. 15 determine the administrative competence to rule in weapons marking matters.

Provisions establishing obligations to mark *war weapons* are contained in s. 12(7)(3) of the German War Weapons Control Act (*Gesetz über die Kontrolle von Kriegswaffen*; official acronym: "KWKG") in conjunction with s. 13 of the Second Ordinance Implementing the War Weapons Control Act (*Zweite Verordnung zur Durchführung des Gesetzes über die Kontrolle von Kriegswaffen*). Contrary to municipal law on the marking of firearms, no exceptions are allowed from the obligation to mark war weapons. In most cases, marking of SALW items is only covered by firearms regulations, not by the law on war weapons.

1.1 Marks Used on SALW

All war weapons as well as firearms commercially produced in, or imported or otherwise transferred into, Germany must be marked with the sign of the producer or the importer. The mark must be of a readily recognizable and permanent nature.

1.1.1 Federal Armed Forces (*Bundeswehr*)

All armament of the *Bundeswehr* is unambiguously marked.

Each weapon bears the following information:

- manufacturer
- month and year of delivery ex works
- serial number
- proof firing stamp

- possibly additional marks, such as, *e.g.*, maintenance information

The marks are applied in accordance with the standards of applicable technical manuals.

Exhibits 1.1.1:A through 1.1.1:F display both extracts reproduced from these manuals and photographs of the respective types of arms and weapons.

Exhibit 1.1.1:A Marks on the barrel

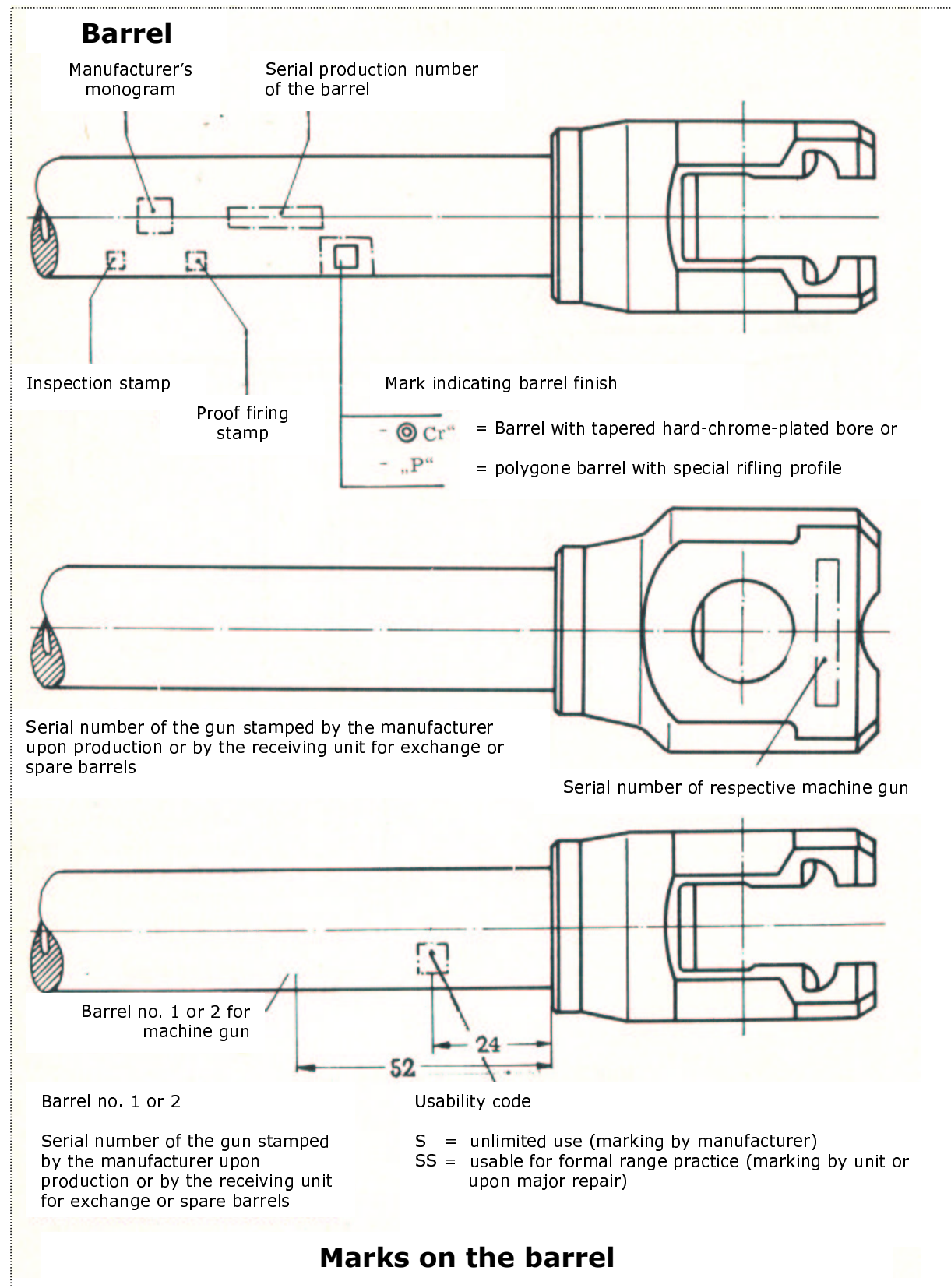
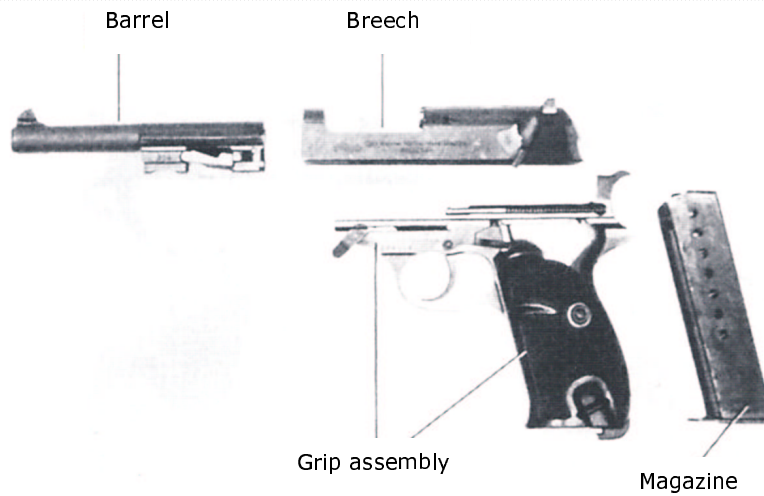
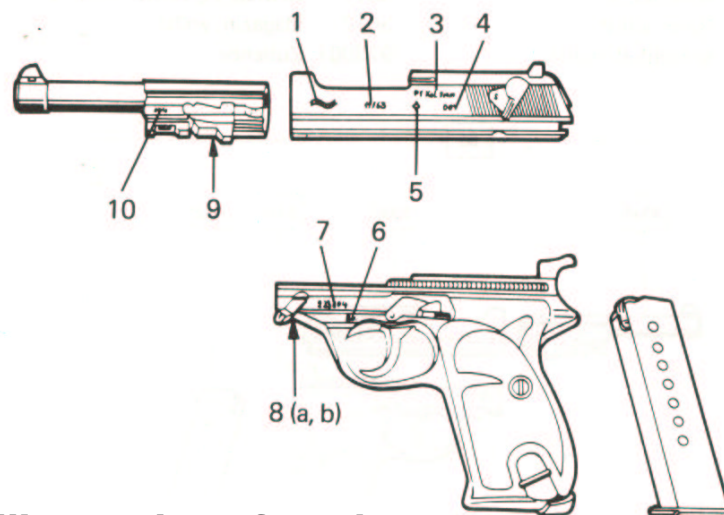


Exhibit 1.1.1:B General assembly and location of marks



(i) General assembly



(ii) Location of marks

- | | | | |
|---|-------------------------------------------------|----|--------------------------------------------------|
| 1 | Manufacturer's monogram | 7 | Manufacturing no. |
| 2 | Month and year of manufacturing | 8 | Mark for reinforced breech ring and barrel catch |
| 3 | Type designation | a | 4-pointed asterisk or |
| 4 | Last 3 digits of manufacturing no. | b | actuating surface with 15° bevel (no asterisk) |
| 5 | 4-pointed asterisk indicating reinforced breech | 9 | Last 3 digits of manufacturing no. |
| 6 | <i>Bundeswehr</i> property stamp | 10 | Last 3 digits of manufacturing no. |

NOTE

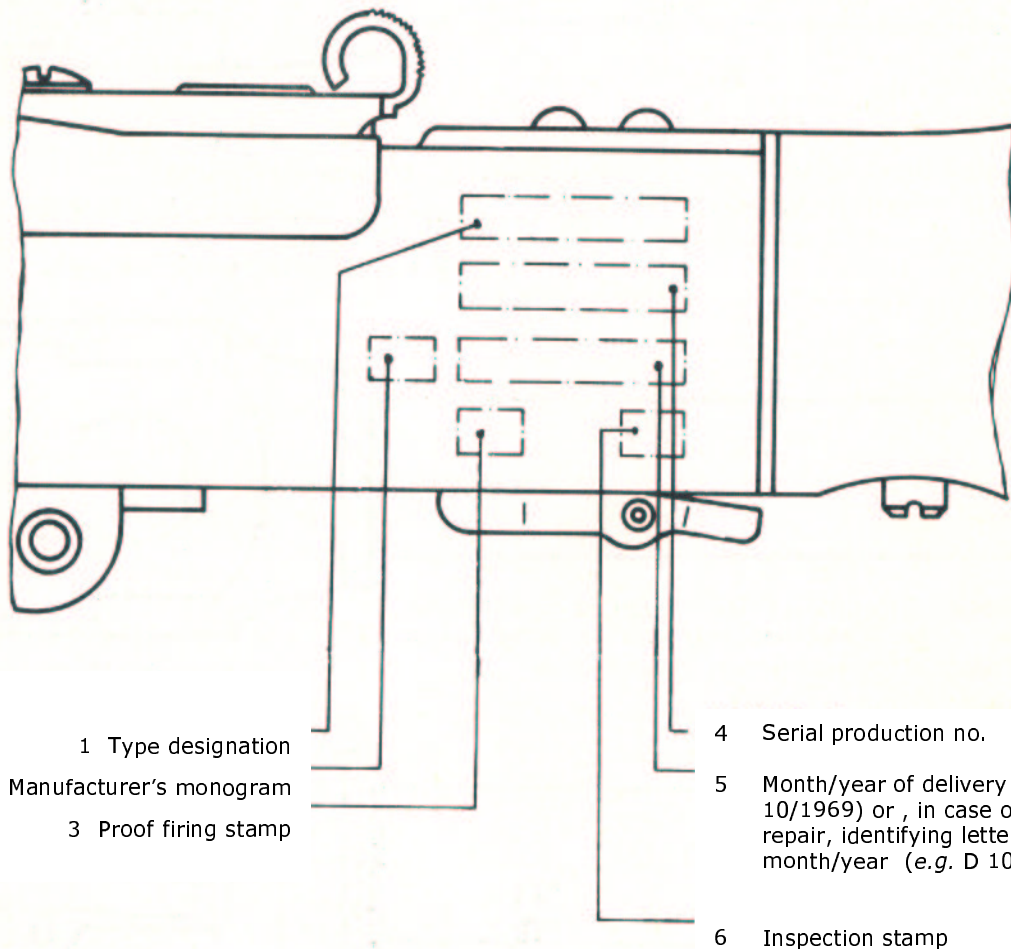
For pistols of earlier manufacturing—

- mark no. 2 is on the reverse (*i.e.* right) side of the breech
- mark no. 3 reads as follows: "P38 Cal. 9 mm"
- no 4-point asterisk on the breech is used

Exhibit 1.1.1:C Location of marks on machine gun

Location of marks on machine gun

Housing



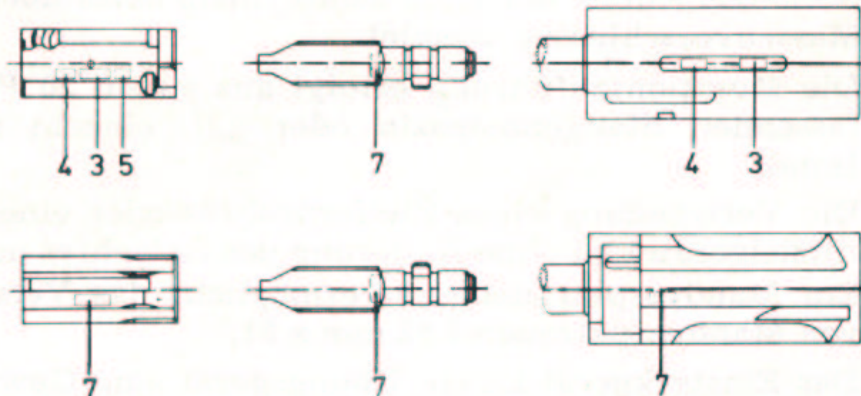
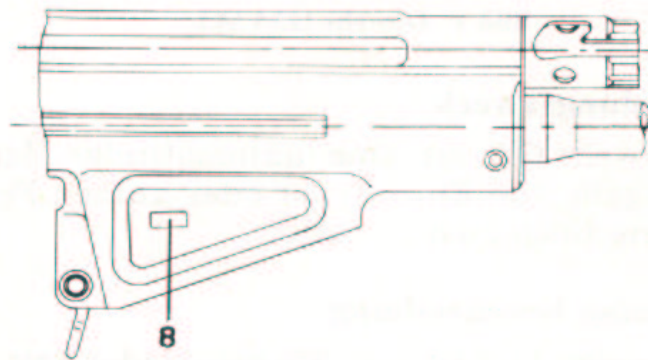
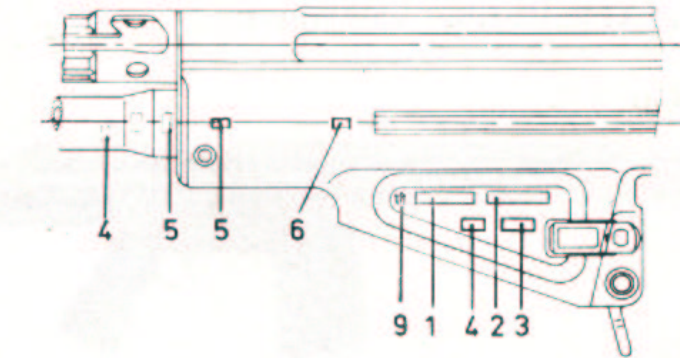
Marks on the housing

NOTE

The MG 3A1 also has an "MG3" mark on the housing

Exhibit 1.1.1:D Location of marks on rifle

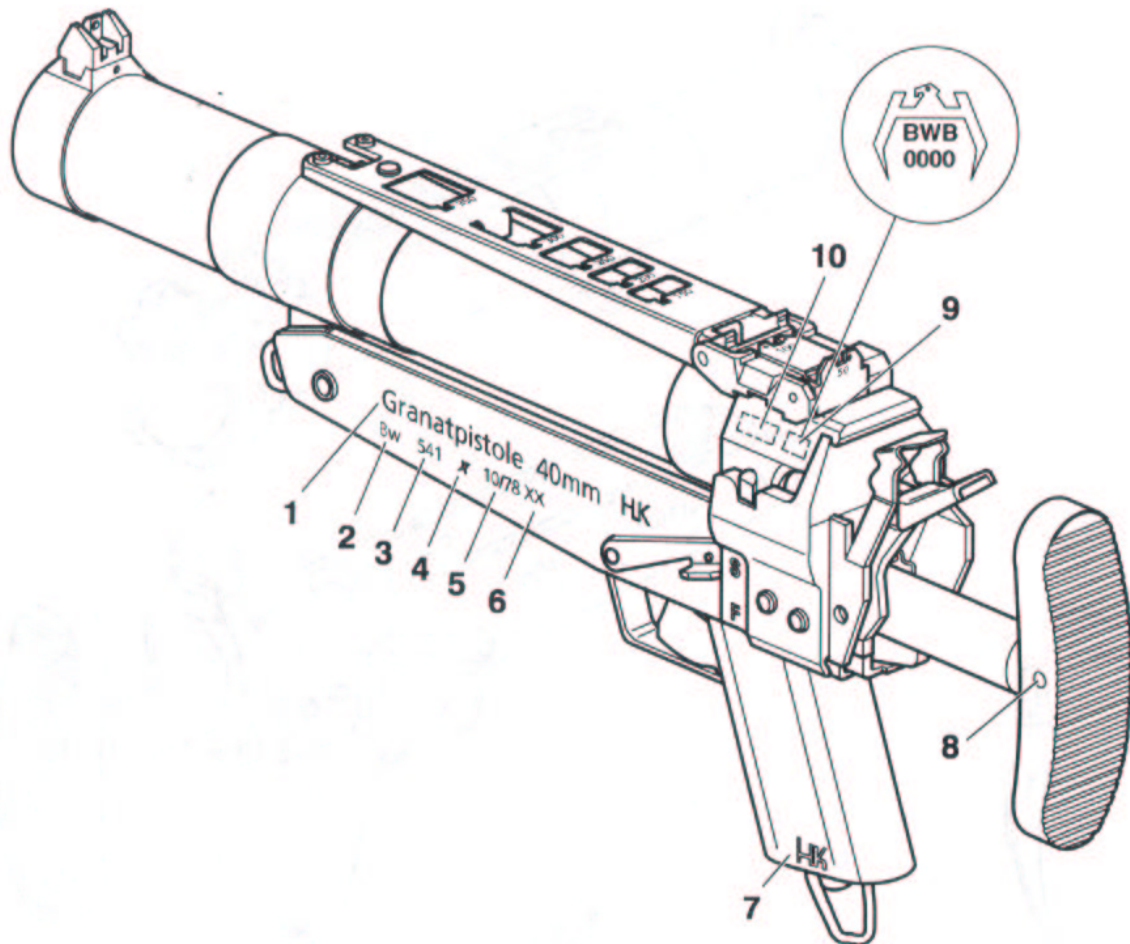
Location of marks on rifle



- 1 G3FS (if G3A3 or G3A4)
- 2 Rifle no.
- 3 Month/year of manufacturing
- 4 Manufacturer's monogram
- 5 Proof firing stamp
- 6 Inspection stamp
- 7 Last 3 digits of rifle no.
- 8 Stamp indicating major repair or alteration to military item ("W" or "D")
- 9 Property stamp

Exhibit 1.1.1:E Location of marks I

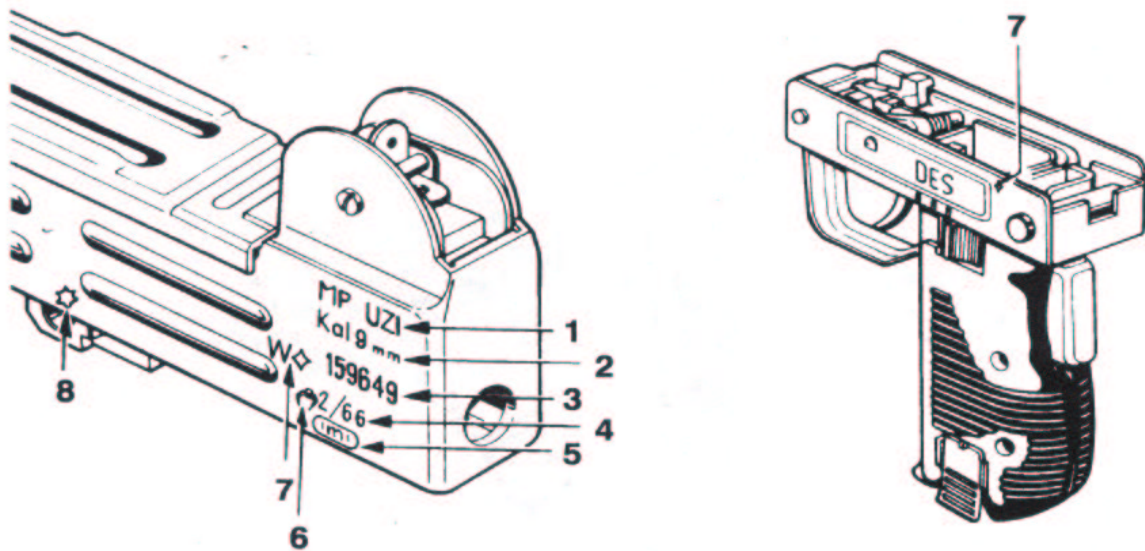
Location of marks



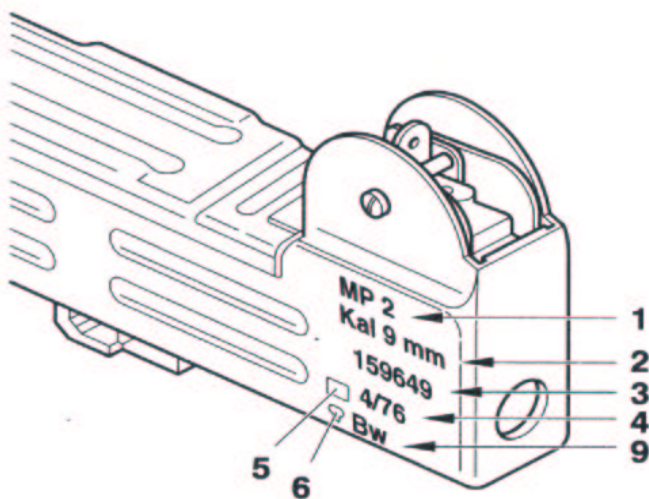
- 1 Type designation
- 2 Property stamp
- 3 Manufacturing no.
- 4 Asterisk for system maintenance center
- 5 Month/year of manufacturing (right-hand side: month/year of major repair, monogram of maintenance center)
- 6 Proof firing stamp/inspection stamp
- 7 Manufacturer's stamp
- 8 Mark for modified catch
- 9 Proof firing stamp
- 10 Last 3 digits of item no.

Exhibit 1.1.1:F Location of marks II

(i) —1975 series



(ii) 1976— series



- 1 Type designation
- 2 Caliber
- 3 Manufacturing no-
- 4 Month/year of manufacturing
- 5 Manufacturer's monogram
- 6 Inspection stamp
- 7 Stamp for repair or alteration to military item ("W" or "D")
- 8 Final inspection stamp
- 9 *Bundeswehr* property stamp

1.1.2 Federal Finance Administration

In addition to the required data as described in § 1.1.1 *supra*, weapons in use with the Federal Finance Administration (*Bundesfinanzverwaltung*) are permanently marked with the acronym "BZV."

1.1.3 Federal Ministries of Finance and of the Interior, Federal and State Police Forces

Pursuant to s. 13(1) *WaffG*, arms manufacturers and arms dealers are under an obligation to warrant that every firearm be marked with a sign containing data on—

- their name, a registered corporate name or a registered trademark of the arms manufacturer or arms dealer established in the area of application of the *WaffG*,
- the type of ammunition or—if no ammunition is used—the type of projectiles, and
- a serial number.

Under s. 13(5) *WaffG*, all firearms in use with the Federal Customs Administration, the Federal Border Police (*Bundesgrenzschutz*) and the state police forces must carry the titleholding authorities' sign.

Pursuant to s. 7(1) of the Third Weapons Ordinance 1991 (*Dritte Verordnung zum Waffengesetz*; official acronym: "3. WaffV"), as amended, a proof firing stamp as well as a property sign—e.g. "BMI" indicating that the weapon is in use with the Federal Ministry of the Interior—are stamped or engraved on all arms used by federal authorities. For examples of a proof firing stamp, see Exhibit 1.1.1:E *supra* and 1.1.3:A *infra*.

Arms of the police forces of the federal states (*Länder*) are marked with a state-specific sign of ownership containing an abbreviation—

- of the respective *Land* and/or
- of the name of the institution.

E.g.: The abbreviations "HB" and "Pol.Br." designate weapons in use with the police force of the Free Hanseatic City of Bremen, the smallest German *Land*.

In the way indicated in Exhibit 1.1.3:A, the abbreviations "V," "PN," "L" and "J" are used to indicate proof firing after repair or replacement of the main parts of a firearm; s. 7(2) 3. *WaffV* and Annex II to this ordinance.

Exhibit 1.1.3:A Sample proof firing mark



1.2 Marking Methods

1.2.1 Stamping

Serial numbers and other marks are stamped mechanically on the weapon with a pressure of up to 100 kilograms per square millimeter. The marks have a depth of 0.4 to 0.5 millimeters.

1.2.2 Laser Engraving

Laser engraved marks used for hardened materials have a depth of 0.025 millimeters. When designated for export to the United States of America, the engraving depth is not less than 0.07 millimeters.

1.2.3 Permanence

In the case stamped or laser-engraved marks are completely ground off and thus no longer visible, it is possible to restore the original marks by chemical and technical means.

1.3 State Policy for Marking Unmarked Weapons

If unmarked weapons are found, the competent authorities, as a rule, submit them to destruction, unless they are retained in order to be used for educational purposes of state police forces.

1.4 Marking Competence

See § 1.1 *supra*.

1.5 Public Control over the Private Sector Marking

The marking of firearms by industry is governed by s. 13(1) through (4) *WaffG*. Arms manufacturers and arms dealers are under an obligation to warrant that every firearm produced, to be used, sold or imported in the area of application of the *WaffG* is duly marked.

2 National Procedures for the Control over Manufacturing

2.1 Procedures for the Issuance of Licenses and Authorizations

Any manufacturing, acquisition, transport, and transfer of as well as trade in, war weaponry (including military SALW) requires a public license to be issued before engaging in these activities.

As a rule, these licenses are granted individually for a specific period of time, hereby covering a limited number of pieces. Licenses are only granted after a reliability test, in the course of which the central penal register is consulted. The Federal Ministry of Interior and the competent ministries in those *Länder*, where licensable transactions shall take place, have to give their consent prior to the issuance of a license.

The validity of the license depends on the type of transaction. Thus, a transport license normally will have a shorter validity than a manufacturing license.

German law as it stands knows of no licenses which are unlimited in time.

2.2 Review and Renewal of Licenses

Licenses are renewable upon application before expiration of the previous license. The applicant is required to substantially ground the renewal, but usually no further documentation will be demanded from a well renowned applicant timely submitting a renewal request. Also the validity of the renewed license is limited in time.

If the validity of the previous license has already expired, the applicant has to file a complete new application with all relevant documents. A renewal of an expired license is not possible.

2.3 Procedures for the Revocation of Licenses

The revocation of a license generally is possible at any time according to s. 7 of the War Weapons Control Act. Revocations occur very seldom in practice. An example could be the revocation of a manufacturing license for weapons destined to be exported to a country which has become subject of a mandatory arms embargo after the issuance of the license. Another possible reason for the revocation of a manufacturing license could be an eroded reliability of the licenseholder due to a criminal prosecution.

2.4 Penalization and Prosecution of Illicit Manufacturing

Illicit manufacturing of weapons is a criminal offense which can be penalized in severe cases with sentences of up to 10 years imprisonment.

2.5 Record keeping

All licenseholders are obliged to keep the necessary documents for at least ten years in order to make on-site inspections of the supervising authorities possible. Such on-site inspections take place regularly and may be carried out as challenge inspections.

Additionally, each arms manufacturer is obliged to keep (i) an arms manufacturing register (*Waffenherstellungsbuch*) and (ii) a register of the trade in arms (*Waffenhandelsbuch*). These registers contain information on the production of arms, the recipients of the arms, the production numbers, and the production signs (e.g. registered trademarks or the name of the manufacturer). Upon consultation of the registers, it is possible to determine whether a specific marked arm was manufactured by the company in question. Markings may differ according to clients' wishes, but it is guaranteed that a later identification is possible.

As to non-military weapons, inspections take place once a year; they are carried out for by the competent regional administrative authority.

Concerning war weapons, companies have to observe special reporting obligations by submitting bi-annual statements to the Federal Office of Economics and Export Control (*Bundesamt für Wirtschaft und Ausfuhrkontrolle*; official acronym: "BAFA") all registered transactions. Every second year, BAFA carries out inspections based on these statements.

3 National Legislation, Current Practice in Export Policy Procedures and Documentation, and Control over Brokering

3.1 Export

3.1.1 National Legislation

German exports of military equipment (including SALW) are regulated in the *Basic Law* (GG), the *War Weapons Control Act* (KWKG) and the *Foreign Trade and Payments Act* (*Außenwirtschaftsgesetz*; official acronym: "AWG") in conjunction with the *Foreign Trade and Payments Ordinance* (*Verordnung zur Durchführung des Außenwirtschaftsgesetzes – Außenwirtschaftsverordnung –*; official acronym: "AWV"). In addition, the German government adopted "*Political Principles Governing the Export of War Weapons and Other Military Equipment*" (hereinafter: *Political Principles*) in January 2000 to provide the licensing agencies with guidelines for the scope of and limits to the discretion, under which they are to act.

The *War Weapons Control Act* (KWKG) stipulates that all handling of war weapons requires prior approval; this requirement primarily refers to the manufacturing, acquisition and transfer of acontrolled items as well as to all types of transport both within Germany and in import, export and transit contexts.

Pursuant to sec. 6 *KWKG*, there is no legal claim to a license. Instead, such license must be refused where war weapons threaten to be used for peace-disturbing acts, where Germany's obligations under international public law will be violated, or where applicants are unable to prove that they are sufficiently reliable for handling war weapons. Beyond this, the issuance or refusal of an export license is subject to the political discretion of the Federal Government, and it makes use of it in line with the *Political Principles* referred to above.

The export of so-called "military equipment" (war weapons and other military equipment) is subject to the rules contained in the *Foreign Trade and Payments Act* (AWG) and the *Foreign Trade and Payments Ordinance* (AWV). The applicant has a right to receive an export license unless a license cannot be issued because one of the principles of s. 7 AWG (safeguarding the security of the Federal Republic of Germany; disruption to the peaceful coexistence of nations; considerable disruption to Germany's foreign relations) would be violated. Export licenses can only be revoked under certain narrow legal preconditions; these cases occur very rarely in practice.

In certain cases, the export of military equipment does not require an individual license. These exemptions are listed in s. 19 AWW and are discussed in more detail in § 3.1.7 *infra*.

The Annex to s. 1(1) KWKG, entitled "War Weapons List," contains all items, which are considered to be war weapons in the understanding of the KWKG.

Part I s. A of Annex AL to the AWW, entitled "Export List," contains all items, which are considered to be military equipment in the understanding of the AWW and the AWW. War weapons constitute a subcategory of military equipment.

SALW do not constitute specific sub-categories of military equipment. It is, however, possible to identify in these lists the items defined as SALW pursuant to the footnote to the third preambulatory recital of the *OSCE Document on Small Arms and Light Weapons*. SALW are covered by various categories of Part I s. A of the Export List and/or by the War Weapons List categories. The legal treatment of a given SALW depends on whether it constitutes a war weapon or other military equipment under German law.

Germany's national lists are in coincidence with relevant international control lists, such as the Wassenaar Arrangement list or the EU Common List of Military Equipment as adopted by the EU Council on June 13, 2000.

3.1.2 German Export Policy and International Commitments

Germany's policy on exports of military equipment is part of her foreign and security policy, which is aimed at preserving peace. It corresponds to decisions on values which have been firmly entrenched across the political spectrum since the German constitution was promulgated. There is a broad consensus in the German Parliament on the legal and political foundations of Germany's policy on exports of military equipment and the restrictive approach taken by the government.

In particular, export bans adopted by the United Nations Organization or other international organizations prohibit delivery of military equipment to embargoed destinations. Such export embargoes, in order to translate them into national law, do not – contrary to other, more comprehensive arrangements – require any special legal provisions. The range of embargoed goods is basically identical with the military equipment as set forth in Part I s. A of the Export List. In practice, the embargo provisions are transposed into practice by not granting any licenses for the export of such goods to embargoed destinations.

Decisions on the export of war weapons and other military equipment are mainly based on the *Political Principles*, adopted on January 19, 2000, and on the relevant European and international commitments entered into by the German government, particularly on the EU Code of Conduct on Arms Exports adopted by the European Council on June 8, 1998.

Exports of war weapons and other military equipment both to NATO and to EU member states as well as to "NATO equivalent countries," such as Australia, Japan, New Zealand or Switzerland, are in line with Germany's security interests and are, in principle, unrestricted. Exports of war weapons to third countries, in contrast, are only feasible if indicated by paramount foreign and security policy interests, bearing in mind the interests of NATO. In this context, employment aspects are not allowed to play a significant role.

The export of other military equipment is authorized to the extent that the provisions of sec. 7 AWG do not prescribe otherwise; these provisions aim to protect the security of the Federal Republic of Germany, the peaceful coexistence of nations, and foreign relations.

Decisions on exports of war weapons and other military equipment are made on the basis of a thorough examination of each case. The issue of respect for human rights in the countries of destination is a key factor in deciding whether or not to grant licenses, which is particularly true in the case of processing applications for the export of SALW. Another significant aspect is whether an armed conflict is, in fact, ongoing, or is likely between the country of destination and its neighboring states. In general, it must be certain that the military equipment will only be used for the purposes of defense and remain in the country of destination.

As politically binding instrument, the EU Code of Conduct on Arms Exports forms an integral part of the 2000 Political Principles, which also comprise the common export criteria set forth in s. III paragraph (A) of the *OSCE Document on Small Arms and Light Weapons*.

The restrictive attitude of Germany's export policy is reflected in the fact that military equipment represents only a minor proportion of the entirety of German exports. For example, exports of war weapons traditionally account for less than 0.5 % of all exports, and are mainly directed to countries which are members of NATO or of the OECD. This is particularly valid for SALW.

3.1.3 *Types of Licenses for Final Exports*

German law on foreign trade and payments defines four types of licenses for final exports: (i) individual licenses, (ii) maximum amount licenses, (iii) collective export licenses, and (iv) general licenses. As the second is only a variant of the first, they are dealt with here in a joint context.

3.1.3.1 Individual Licenses and Maximum Amount Licenses

The basic export license is the "individual license" (*Einzelgenehmigung*). It authorizes the export of one or several pieces of equipment to one recipient upon application.

As a special type of individual license, a “maximum amount license” (*Höchstbetragsgenehmigung*) can be issued. This license permits the export of equipment for several contracts, e.g. in the context of a framework contract with a customer, up to the maximum amount authorized (*i.e.*, the likely sales in one year).

3.1.3.2 Collective Export Licenses

Rather than applying for individual licenses, it is possible to issue a “collective license” (*Sammelausfuhrgenehmigung*) to certain exporters. This license permits the export of a group of equipment to several recipients.

3.1.3.3 General Licenses

There is no need to apply for an individual license if the intended export is covered by a “general license” (*Allgemeine Genehmigung*; official acronym: “AG”). The general licenses are issued by BAFA and published in the Federal Gazette (*Bundesanzeiger*); they exempt the exporter or the shipper from application requirements. In order to conduct exports under a general license, the exporter must be registered.

The following general licenses are currently in force:

- EU 001 concerning dual-use goods in case of exports to the following seven countries mentioned in s. 3 of Annex II to the EC Dual-Use Regulation No. 1334/2000: Australia, Canada, Japan, New Zealand, Norway, Switzerland, U.S.A.
- AG No. 9 concerning graphites
- AG No. 10 concerning computers and related equipment
- AG No. 12 concerning dual-use goods valued at less than € 2,500
- AG No. 13 concerning exemptions for a variety of listed cases, principally parallelling s. 19 AWW
- AG No. 16 concerning telecommunications and information security
- AG No. 18 concerning signature-reducing clothing and equipment

3.1.4 Licenses for Temporary Exports

Licenses for temporary exports are issued in principle according to the same provisions and administrative proceedings as licenses for final exports. Thus, licenses for the presentation of sensitive goods on a trade fair hosted in a country considered as a critical destination may be refused. The applications for temporary exports are assessed according to the same criteria as those for final exports. The duration of a license may be distinct from usual license durations.

The only relief for the applicant is that he is not obliged to file end-user documents with the application. However, the license may provide that the exported good must be reimported to Germany. This means that the exporter must prove that the goods have been reimported to Germany upon expiration of the license. Usually, the exporter provides BAFA with suitable documents issued by a German customs or tax authority, or with similar evidence.

Hunting arms may be temporarily exported without a license in accordance with s. 19(1)(16) AWW. However, the hunting arms must be reimported to Germany within three months. Moreover, this statutory rule provides for exemptions for certain means of transport.

Similar to temporary exports, reexports are, in general, treated according to general rules.

3.1.5 Period of Validity of Licenses

In general, German export licenses are valid for a time period of two years. They may only once be extended for another two years. However, individual licenses for the export of military equipment are valid only for six months; they may be extended three times, each of which may have a maximum validity period of six months. The reason for this exception is that licenses for the export of military equipment are in particular subject to a political evaluation of the given circumstances which may vary in time. Thus, there is a maximum duration of validity of export licenses in case of military equipment of two years and in case of dual-use goods of four years (including possible extensions).

The proceedings for an application for extension are governed by the same strict principles as those that apply when issuing a new license.

In case of temporary exports, the duration of a license may be stipulated according to the circumstances prevailing in the individual case (e.g. for the duration of a trade fair).

In contrast to all other types of licenses, general licenses are issued *ex officio*. They expire at the end of a calendar year and may be extended for further calendar years.

3.1.6 Licensing Authority

As far as war weapons are concerned, the licensing authority for commercial exports is the Federal Ministry of Economics and Technology. The Federal Ministry of Defense is responsible for matters relating to the Federal Armed Forces. The Federal Ministry of Finance and the Federal Ministry of the Interior are also responsible for certain specific areas.

Applications from companies should therefore normally be submitted to the Federal Ministry of Economics and Technology; the ministry decides on these projects in close cooperation with the Federal Foreign Office and the Federal Ministry of Defense.

Applications for the export of other military equipment should be submitted to BAFA, which also decides on the applications. Sensitive or significant projects are, however, regularly submitted to the Federal Ministry of Economics and Technology and the Federal Foreign Office for political assessment.

3.1.7 Circumstances in Which a License is Not Required

Exemptions from the obligation to obtain a license are provided for in s. 19 AWW. Thus, in the cases of exports mentioned in this provision, no license is required. Depending on the value of the transaction concerned, further exemptions may apply.

The list of exemptions set forth in s. 19 AWW comprises mainly day-to-day business matters having no major importance for export control issues. As an example, mention should be made of repair materials neither included in the War Weapons List, nor exceeding a value of € 10,000, if the final destination is a privileged country mentioned in s. 3 of Annex II to the EC Dual-Use Regulation No. 1334/2000 (s. 19[1][12] AWW).

Contrary to foreign legislation, German law knows of no licensing requirement for entering into contract negotiations and, with the exception of s. 4a KWKG as explained in § 3.2.1 *infra*, for contract-making itself. However, as far as the execution of a licensed production agreement requires the export of military equipment (e.g. production documentation), obtaining such license is required before the military equipment can actually be exported.

3.1.8 Revocation of Licenses

A license may be revoked if the applicant does not comply with the terms and conditions set forth in the license. If new facts occur after a license has been granted, which would have justified the denial of the license, the license may be revoked in case of a danger for public interests. The license may also be revoked in order to prevent major damage to public interests. In certain cases the applicant may be entitled to damages, if he made use of his license in good faith before revocation.

3.1.9 Embargoed Destinations and Areas of Concern

See § 3.1.2 *supra*.

3.1.10 Advance Rulings

Applying for advance rulings has turned out to be a valuable instrument in practice, as this instrument permits enterprises to foresee and to know from an early date whether they would stand a chance of obtaining the final export license needed to help the proposed deal materialize – provided, of course, that the circumstances prevailing at the date on which the inquiry was submitted have not changed. In advance rulings, the same procedural rules and material criteria apply as in ordinary license cases.

Advance rulings concerning war weaponry are made by the Federal Foreign Office after consultation with other Federal Ministries and Agencies, whereas cases dealing with other military equipment lay with the ruling authority of BAFA. Sensitive and significant projects in the field of other military equipment are, by way of recourse, submitted to the Federal Government.

An advance ruling is legally binding upon BAFA.

3.1.11 Number of Licenses Issued per Annum

In 2000, BAFA granted in total 9997 export licenses with a total value of DEM 5.568 billion for final export of conventional military equipment.

The individual export licenses issued in 2000 are broken down according to the categories of Part I s. A of the Export List in Exhibit 3.1.11:A.

Exhibit 3.1.11:A Export license breakdown for 2000

Item	Category of military equipment	Number of licenses issued	Value of licenses issued in DEM
A 0001	Hand guns	3394	568,748,148
A 0002	Large-caliber weapons	158	163,908,639
A 0003	Ammunitions	946	268,560,615
A 0004	Bombs, Torpedoes, Missiles	265	243,844,052
A 0005	Fire control equipment	249	354,859,221
A 0006	Track-bound military vehicles	1509	1,047,511,239
A 0007	ABC protective devices	193	168,946,581
A 0008	Explosives and fuels	261	6,762,795
A 0009	Marine ships	296	497,133,731
A 0010	Military aircraft including technology	328	354,425,103
A 0011	Military electronics	734	971,566,990
A 0013	Ballistic protection devices	232	113,345,037
A 0014	Training and simulation equipment	73	81,743,167
A 0015	Infrared and thermal imaging equipment	148	91,630,233
A 0016	Semi-finished products for military equipment production	619	254,874,798
A 0017	Divers pieces of equipment	216	141,299,370
A 0018	Devices for producing military goods	581	164,517,698
A 0021	Military Software	70	19,714,986
A 0022	Technology	154	54,821,540
Total		9997¹	5,568,213,943

3.1.12 Company Archives on License Documentation

All license documentation is to be kept for ten years. Cases of major importance may imply an even longer period of storage.

3.1.13 Necessity to Provide End-Use Documentation

In order to export war weapons or other military equipment, an end-user document must normally be submitted along with the application. In the case of end-user documents, a distinction is chiefly made between (i) official end-user declarations (exhibitor, government or authority of the country of destination),

¹ The total number of licences issued as itemized pursuant to the methodology of Part I s. A of the Export List exceeds 9997, because some licences cover more than one item.

(ii) private end-user declarations (exhibitor, company or private individual), and (iii) International Import Certificates (IICs). Details regarding the various types of end-user document can be found in the BAFA notification dated February 12, 2002, repealing the notification of December 1997.²

3.1.14 End-Use Verification and Procedures Governing Retransfer

Due to the principle of territoriality, systematic surveillance of the factual end-use in third states cannot be upheld by German embassies or other German authorities. However, indirect controls are in place, mainly *via* information obtained through general channels. In specific cases, German representations abroad may be requested to obtain general end-use information.

The system of end-use control is based on the above mentioned IICs and end-user documents as well as on Delivery Verification Certificates (DVCs) and import documentation provided by third states customs or tax authorities. End-user documents do also provide for restrictions on reexport to other than the privileged states mentioned in s. 3 of Annex II to the EC Dual-Use Regulation No. 1334/2000, and in case of war weapons to any state.

3.1.15 Assistance to Other States on Export Controls

Germany supports bilateral and multilateral projects for enhancing the international awareness and efficiency regarding export control. To this end, she exchanges information with other states on a mutual basis. In this field Germany acts partly on behalf of the European Commission, partly on behalf of international control regimes, and also partly by seconding experts to participate in projects of others states (e.g. of the USA). In addition, Germany initiates expert meetings and assists other states (such as EU candidate states in Central and Eastern Europe) in setting up their national export control systems.

3.1.16 Penalties for Illegal Export and National Export Control

Violations of foreign trade and payments provisions are punishable by long terms of imprisonment if they—

- refer to (i) equipment listed in Part I of the Export List, e.g. weapons, ammunition, defense materials, chemicals, (parts of) equipment, or to (ii) war weapons;
- contravene a sanction adopted by the Security Council of the United Nations; or

² 54:60b *Bundesanzeiger* (Federal Gazette) 3 sqq. (2002) <<http://www.bafa.de/ausf/be-kanntm.htm#evebekan>>

- endanger the principles specifically protected in s. 34(2) AWG, i.e. external security, the peaceful coexistence of nations or the foreign relations of the Federal Republic of Germany.

A license obtained on the basis of false declarations is void. In addition, violations can be fined either in the course of a due process of law or in administrative order.

The Federal Customs Administration is responsible for combating and preventing violations of prohibitions and restrictions contained in foreign trade and payments legislation, including breaches of embargoes. This supervision of foreign trade and payments includes—

- clearing the export shipments at the customs offices;
- conducting examinations of the exporting companies *via* regional customs or tax authorities; and
- investigations (preliminary investigations and formal investigation procedures) by the Customs Investigation Service.

In view of the immense volume of exports from Germany, export controls are chiefly confined to checking customs documentations, in addition to which the financial accounts of the exporting companies are screened by external auditors commissioned by the customs or tax authorities. The latter measure, which can, as a rule, be undertaken at any time without the need for suspicion of offense, are in practice implemented when there is information indicating the possibility that the exporter may have deviated from applicable rules. Such information mainly derives from preliminary investigations carried out by the Customs Investigation Service, from observation of the market by the Customs Criminological Office and from its findings gained by monitoring mail and telecommunications in order to prevent serious violations of the AWG and the KWKG.

The Customs Investigation Service consists of the Customs Criminological Office in Cologne and 21 regional customs investigation offices. Throughout Germany, some 2500 investigation officers are deployed. The customs investigation offices are local federal agencies, but they are responsible for investigations covering the entirety of Germany. The Customs Criminological Office functions as an information and coordination center for the Customs Investigation Service; it conducts its own investigations in supra-regional cases, and is authorized to issue instructions, in individual cases, to all investigating authorities of the customs administration.

As auxiliary officials supporting the public prosecutors, the officers of the Customs Investigation Service have the same rights and duties as police officers.

The range of instruments available to combat crime in the field of foreign trade and payments has been substantially improved in recent years; it aims not only to prosecute offenders, but in the first place to prevent the occurrence of illegal

exports. As indicated above, the Customs Criminological Office is entitled to monitor mail and telecommunications; this authorization has been extended throughout 2002. Following up on indications that a serious crime is being planned against German foreign trade and payments law, the Customs Criminological Office is empowered to monitor the telephone, fax and mail traffic of persons and companies involved in foreign trade and payments transactions, even before a criminal offense has been committed.

Additionally, the online KOBRA export monitoring system has considerably expanded the information base of the surveillance and investigation authorities, enabling them to keep tabs on exports, analyze the export patterns of exporters and the procurement patterns of importers, and, not least, to obtain essential information about the procurement structures of sensitive countries.

3.2 Control over International Brokering

3.2.1 Licenses, Registration and Reporting

Physical transactions concerning war weapons located in Germany, including all physical transactions which are preceded by relevant brokering activities, are subject to, and covered by, licensing according to the *KWKG*. All physical transactions of war weapons located in Germany are covered by this licensing system. Thus, all brokering activities relating to war weapons located in Germany which result in a physical transaction are (indirectly) covered by this licensing system.

However, as this licensing system did not cover – neither directly nor indirectly – brokering activities relating to war weapons located outside Germany, a new provision – s. 4a – was inserted in the *KWKG*, covering all weapons stated in the War Weapons List. According to this provision, the following activities are subject to licensing:

- mediating a contract on the acquisition or transfer of war weapons located outside German territory or showing that an opportunity exists for concluding such a contract; or
- concluding a contract on the transfer of war weapons located outside German territory.

Each individual case of arms brokering relating to war weapons located outside of Germany requires a license. Licenses are granted or denied, as the case may be, on the same conditions as export licenses.

The brokering activities mentioned above are, however, not subject to licensing under s. 4a *KWKG*, if the war weapons are to be imported into or transited through German territory in the execution of the contract.

The law on arms brokering as described above is not applicable in cases without any linkage to German territory. Thus, at least one element in the chain of brokering activities has to have ties with the German territory. This means that brokering activities normally fall under German jurisdiction if one or more of the following activities take place in Germany:

- meeting for negotiations between the interested contract parties with the participation of the broker in question; or
- making use of German telecommunication resources, e.g. telephone calls, facsimile emissions or letter mailings from Germany.

The fact that German citizens engage into brokering abroad without linkage to the German territory constitutes, however, no license requirement.

A license for brokering may be revoked at any time. The competent authorities shall revoke a license, if, after granting the license, a reason for refusal has become evident, unless the reason is eliminated within a period of time to be determined.

There is no specific requirement for international brokers in Germany to be registered. However, since international brokers need to file an application for each of their brokering activities according to the rules explained above, authorities have good knowledge of who is currently active as an international broker.

There is no reporting requirement for international brokers in Germany.

3.2.2 Penalties for Illegal International Brokering Activities

Anyone engaged in brokering activities without the necessary license faces severe punishment.

3.2.3 Exporter Not Required to Disclose Brokers Involved in Transaction

In Germany, exporters of military equipment are not legally obliged to disclose whether a broker has been involved in a transaction.

3.2.4 Number of Revocations or Disbarment of International Brokers

Since there is no formal requirement for international brokers to be registered, there is no revocation or disbarment of international brokers in Germany either. However, in case of an international broker violating German brokering law, it is conceivable that no further individual licenses will be granted to this broker.

4 Techniques and Procedures for Destruction

4.1 Federal Armed Forces

4.1.1 Techniques for Destruction

For the reduction, demilitarization and utilization of SALW, Germany mainly applied the severing procedure, partly in combination with deformation.

4.1.2 Details on Record Keeping, Authority for Destruction, and Destruction Sites

4.1.2.1 SALW Reduction Sites

The reduction or destruction of SALW earmarked for disposal or removed from active service is conducted in four regional maintenance facilities of the Federal Armed Forces in cooperation with the German industry.

4.1.2.2 Security, Procedures and Documentation

SALW earmarked for reduction are transported in a convoy protected by escort vehicles. The armed escort squad carries the records on number, type and condition of the weapons with it. A security check is performed for each weapon at the Bundeswehr maintenance facilities.

In the case of—

- removal from active service, serviceable parts or components are removed and stored as spare parts;
- reduction, the weapon is disassembled or the parts of it are separated according to a material separation scheme, whereupon the weapon or its parts are entirely destroyed in accordance with the planned reduction procedure, thus without keeping any spare parts.

The destruction is performed either at the *Bundeswehr* maintenance facility or at a German industrial facility. The disposal is documented in a protocol.

After reduction or removal from active service, each weapon is written off the *Bundeswehr* inventory records.

The documentation is kept at the Federal Armed Forces Materiel Office.

4.1.3 Seized or Confiscated Weapons

SALW seized or confiscated by the Federal Armed Forces outside of Germany during operations under NATO control (SFOR, KFOR, TFH) were destroyed, either through NATO forces or local authorities.

4.1.4 Surplus Weapons 1991–2000

After reunification, Germany has reorganized its armed forces and adapted its holdings of armaments and equipment to the new requirements. As reveals from Exhibit 4.1.4:A, the *Bundeswehr* has reduced 1,414,525 weapons of the SALW category in the period from 1991 to 1999.

Exhibit 4.1.4:A Number of *Bundeswehr* SALW destroyed in the period from 1990 to 1999

Machine guns	20,370
Sub-machine guns, including automatic pistols	48,000
Automatic rifles	398,250
Guns, including automatic cannons, howitzers and mortars of calibers less than 100 mm	2,350
Under-barrel grenade launchers	2,015
Anti-tank weapons/recoilless rifles	11,000
Anti-tank rocket systems and launchers	790
Weapon systems of the former GDR National People's Army in the above-mentioned categories	931,750
Total	1,414,525

In calendar year 2000, the Federal Armed Forces have demilitarized the following numbers of SALW in the listed categories by using the procedures described *infra*:

- Pistols 1,207
- Submachine guns 403
- Rifles 35,407
- Machine guns 863

For destructions in 2001 see templates as annexed.

4.2 Federal Finance Administration

The Federal Finance Administration destroys between 50 and 100 weapons *per annum* in its central repair facility for weapons. This is mainly done by severing, partly in combination with deformation. The destruction process is documented.

4.3 Federal Border Police

Weapons seized or confiscated by the Federal Border Police are usually destroyed. In the case of very rare weapons, these are centrally collected so that they can be used for the purpose of education of the Federal Border Police forces.

4.4 Public Destruction and Public Awareness Campaigns

Germany has not conducted any public SALW destruction campaign. The internet homepages of the German Foreign Office <<http://www.auswaertiges-amt.de>> as well as of the German Technical Cooperation Agency <<http://www.gtz.de>> provide detailed information on the issue of SALW and German export control policy. They also contain links to other important sources of information. In addition, Germany funds various non-governmental organizations active in the fight against the proliferation of SALW.

4.5 Reduction Assistance to Other States

Germany has provided technical and financial aid for the destruction of SALW to other countries and is willing to consider further projects in the future.

Based on a Memorandum of Understanding dated December 16, 2000, the United States, Norway and Germany have, as donor countries, reached an agreement with the Government of Albania on assistance for the destruction of 130,000 small arms and light weapons.

In the initial period from December 2000 through April 2001, Germany has provided—

- personnel to assist in the training of local specialists,
- safety equipment,
- cutting equipment,
- organisational support,
- electronic equipment for documentation
- financial support.

In the course of these four months, 40,000 pieces were destroyed without gaining any spare parts. In addition, a documentation on *(i)* the serial numbers, *(ii)* the types of arms and weapons, respectively, and *(iii)* the day of destruction could be finalized. The complete equipment was handed over for use in the process of destruction of the remaining arms and weapons to be carried out by the other parties.

Further, Germany contributed to a number of SALW related projects in the OSCE area, Africa and Asia.

5 Surplus in the Federal Armed Forces

The reduction of the global small arms surplus is one of the factors that are central in the process of reducing destabilizing accumulations and preventing the uncontrolled spread and illicit trafficking. In administering national inventories and securing stockpiles of small arms, Germany regularly assesses whether holdings of small arms entail a surplus in the context of her security needs.

The identification of surplus is in Germany guided by the indicators provided for in the OSCE Document on SALW. The geopolitical context, the internal and external security situation, and international commitments influence the size, the structure and the operational concept of the German Armed Forces. This information provides the basis for assessing the amount of small arms and light weapons deemed necessary.

Today, Germany is located in the center of an extended area of stability, which is characterized by the EU, NATO, and the OSCE. However, the effect of geographical distance in terms of protection and prevention of risk is steadily decreasing as security problems no longer affect just the nations of the respective region, but increasingly most or all European States.

Military and non-military risks threatening Europe's internal and external security are becoming more and more intertwined. Above all, this is made evident by two major complexes of risk:

- regional instabilities, crises and conflicts in and around Europe, and
- the potential consequences of the proliferation of weapons of mass destruction and their means of delivery.

German security and defense policy is governed by values and principles as embedded, *inter alia*, in the Charter of the United Nations, in basic EU and OSCE documents and in the German constitution. The national interest in the preservation of freedom, security and the welfare of its citizens, as well as in the integrity of its territory, is closely connected with the country's interest in a peaceful and lasting order in Europe and for the nations of the world.

For Germany, NATO remains the foundation of common defense and the framework for the participation of German forces in crisis operations and peace missions. In future, German armed forces will also make substantial contributions to EU security operations, where NATO as a whole will not be engaged. Moreover, Germany will further continue to contribute to United Nations and OSCE missions.

In the light of the present and future security environment, the Federal Armed Forces face the following wide spectrum of basic tasks:

- defense of German and Allied territories—under the new conditions prevailing in Europe, German national defense will most likely mean collective defense—,
- operations in the scope of conflict prevention and crisis management,
- partnership and cooperation activities,
- humanitarian aid and rescue operations.

These tasks require an extended capability profile according to which the future armed forces have—

- to be mobile, flexibly employable, as well as to be able to survive and to be self-sustaining even over prolonged periods of time,
- to be able to ensure the successful execution of national, Allied and European missions as well as operations in *ad hoc* coalitions,
- to be able to assist in restoring the social order and infrastructure in crisis zones, and
- to be capable of augmentation as required by the situation.

Taking into account the factors and policies referred to above, the Federal Armed Forces have started a fundamental reorientation process to be finally implemented by 2006. Basic parameters of this reorientation are (i) the constitutional mandate, (ii) the principles of our security policy and (iii) our international commitments.

The future overall strength of the armed forces will be 285,000 peacetime personnel plus 220,000 reserve personnel. This will be about one quarter below the current strength.

The equipment held by the armed forces will be fully modernized. Particular priority will be given to capabilities currently not existing, such as strategic sea-lift and air-lift and strategic reconnaissance, as well as enhancing the interoperability of command and control systems and means. The number of weapon systems will be reduced while stand-off and precision capabilities will be improved.

The requirements for a specific quantity of SALW result from the new structure of the armed forces. Every soldier is equipped with his individual weapon in accordance with the specific task assigned to him. This minimum requirement on small arms leads to a consolidated figure for the entire armed forces, *i.e.* to the "equipment/armament requirement." Additionally, a reserve of 5 to 15 % (depending on the type of weapon) will be held in order to cover any additional needs arising from maintenance and repair. The sum of both armament requirement and reserve is the "defense stock," *i.e.* the total number of small arms required.

Primarily as a result of this reduction and restructuring of the armed forces, but also due to the modernization of small arms stocks held by the Federal Armed Forces (with G36 assault rifles replacing those of model G3), an unusually high number of small arms has to be declared surplus in 2002. In connection with the

ongoing process of reducing the number of soldiers and the introduction of new weapons, approximately 200,000 G3 assault rifles will become surplus in 2002 and will be destroyed.

Annex 1 National Stockpile Management and Security Procedures

1.1 Appropriate Characteristics for Stockpile Locations

- Elements considered when deciding on national stockpiles locations

In general, stockpile locations are spread all over the country, in accordance with the National Defense Plan and in order to be available to the Federal Armed Forces.

- Legislation or regulations covering stockpile security issues

The selection and planning of a stockpile facility take into account national construction regulations and safety procedures required by national and NATO regulations.

- Safety measures required of the storage buildings

Any building earmarked or foreseen as a stockpile facility for SALW or ammunition has been checked with respect to fire protection, access and emergency exits and construction security. It has to be equipped with safety measures according to national rules and laws.

- Rules on inspections to verify that storage buildings fulfil the requirements

Before any stockpile facility is used, national inspections regarding the materials used, fire protection and security measures are carried out by authorized personnel.

- Policy on centralization of locations for storage buildings

There is currently no plan to centralize stockpile facilities, although the number of locations is being reduced due to the reorganization of the Federal Armed Forces.

1.2 Physical Security Measures

- Physical security measures used to ensure strict control

NATO and national construction regulations for munitions facilities.

- Types of measures, such as: Key controls, storage building doors, alarm systems, lighting systems around the buildings, guard patrols and dogs, fencing, etc.

All kinds of measures—e.g. key controls, storage building doors, alarm systems, lighting systems around the buildings, guard patrols and dogs, fencing—are used separately or in combination, depending of the type and quantity of the stored items.

- Whether arms and ammunitions are stored separately

Arms and ammunition are stored in separate locations, ammunition buildings, shelters or facilities.

- Whether weapons are disabled and the working parts stored separately

The storage of disabled arms and spare parts in the same location is permitted.

- Whether buildings are fitted with an intruder detection system and whether these systems are checked regularly

The installation of intruder detection systems depends on the guarding situation on site. If such technical devices are installed, they are monitored and periodically checked.

- Procedures for immediate reporting of any loss

Loss of arms and ammunition (depending on caliber, quality and quantity) within the Federal Armed Forces must be reported at once in accordance with national regulations.

- Whether additional security measures are in place, e.g. centralized electronic surveillance system

Depending on the guarding situation, on-site technical devices—e.g. centralized electronic surveillance systems—are monitored and periodically checked.

1.3 Access Control Measures

- Whether only a restrictive number of staff have access

Access is generally limited to key personnel, who have been trained and security-checked. Additional personnel working temporarily in a stockpile facility are accompanied by local staff, after being registered at the entrance.

- Basis on which access is granted or denied

Duty personnel of the guard unit and temporarily assigned after checking.

- Whether all personnel (military, civilian, or contracted) are subject to security clearance

For permanent military staff, an appropriate level of security clearance is necessary. For civilian employees who do not work for commercial enterprises, a certificate of conduct has to be requested. Commercial enterprises are responsible for security of their own property.

- Whether keys to arms and ammunition stores only issued to personnel authorized in writing by the officer in charge

The officer in charge has to provide a written order to permit access to keys for arms and ammunition stores for authorized personnel.

- Whether it is ensured that the same person is not allowed to have access to the keys to both the arms and ammunition store

Normally, no individual is allowed to have access to the keys, both for arms and ammunition. Nevertheless, in certain time periods duty personnel and commanding officers have access to both areas for conduct of duty or of control.

1.4 Inventory Management and Accounting Control Procedures

- Whether full records are kept of holdings, use, expenditure and disposal

Generally, all holdings of arms and ammunition are recorded. Consumption and location are registered, so that discrepancies can be explained.

- Length of time the records are kept after the last entry

Continuous records are kept ten years in excess of the time, in which arms and ammunition are in the possession of the Federal Armed Forces. Record keeping within the forces is administered on different levels of the organizational structure.

- Procedures for reporting losses and thefts (including attempted thefts)

Loss of arms and ammunition (depending on caliber, quality and quantity) within the Federal Armed Forces must be reported in accordance with national

regulations. These reports must be made immediately with a special emergency reporting system.

- How often these records are checked and subject to security inspection(s)

Each report of loss or theft is individually checked. Depending on the type of the unit, security inspections are conducted periodically.

- Characteristics of the auditing procedures in place

The time interval of the auditing procedure depends on the effective use of the ammunition. The more often ammunition is used in the unit, the more often checks are conducted. Nevertheless, there are minimum requirements on auditing procedures.

1.5 Protective Measures in Emergency Situations

- Whether there is a contingency plan in place and if it is practiced periodically

Yes.

- Whether all stockpile sites are assigned to a response force that will react in sufficient time

All stockpile sites are physically protected with security personnel and technical measures. Each site is also connected to the respective civilian police station and/or to the military units for reinforcement.

1.6 Sanctions for Theft and Loss

- Authority in charge of investigations of theft or loss of military arms and ammunitions

The local commanding officer for immediate investigations, and the civilian police.

- Role played by the civilian law enforcement authorities

The civilian Police undertake the investigation in case of theft, and may assist in cases of loss. The civilian law enforcement authorities are responsible for the further treatment and punishment.

- Frequency and regularity of criminal investigations

Criminal investigations take place in every case of irregularities and suspected theft. Statistics are produced and held by the Federal Armed Forces Intelligence Office. In 2001, 5 pistols, 3 signal pistols, 2 assault rifles and 15 sport rifles were reported as stolen.

1.7 Procedures to Maximize Security in Transit

- Type of regulations in place for ensuring the security of transportation routes, (air, land and sea)

Every transport (either by air, land or sea) of arms or ammunition is accompanied by an armed escort of the Federal Armed Forces, and, if warranted by the amount and type of arms or ammunition, additionally by military police.

- Whether all shipment routes are planned in advance and their details protected

Depending on the amount and type of arms and/or ammunition, the shipment routes are pre-planned including alternative routes. The military organization, local authorities and the civilian police are informed accordingly.

- Whether armed escort is always provided

Without exception, each transport of arms and/or ammunition is accompanied by an armed escort of the Federal Armed Forces.

- Whether there are additional measures for regular movements of arms and ammunition

There are no differences between routine and non-routine shipments of munitions. The level of protection depends on the amount and type of arms or ammunition.

- Whether arms and ammunitions are transported in different vehicles

Without exception, the transportation of arms and ammunition is conducted with separate means of transportation.

1.8 Security Training of Stockpile Staff

- Whether all the relevant staff is subject to regular training on regulations, practices and procedures related to stockpile security, inventory and accounting
- Whether training for emergency situations is provided and practiced

Generally, local staff is trained to meet qualification requirements on the site or storage facility. Periodical training on site fulfills the necessary requirements.

1.9 Assistance for Improving Stockpile Management and Security Procedures

- Whether assistance is provided to enhance national stockpile management and security procedures within other States?

Under the auspices of the OSCE, Germany has participated in information seminars addressed to Central Asian countries.

Annex 2 Template for the Annual Information on SALW Identified as Surplus and/or Seized and Destroyed

Reporting Country: **Germany**
Original Language: **English**

Report for Calendar Year: **2001**
Date of Submission: **June 30, 2002**

General Remarks

Pursuant to Germany's constitutional law, competence in police and law enforcement matters is mainly attributed to the *Länder*; federal competence is provided for only with regard to the Federal Border Police, the Federal Criminal Police Bureau, the Customs Criminological Office and the Customs Investigation Service.

This pattern of competence in police and law enforcement matters is also reflected in the structure of reporting on police weaponry.

Consequently, this report is, by necessity, an attempt to harmonize available data from a wider range of official sources with the ambition of transparency as contemplated in the OSCE Document on SALW. An internal dialog between federal and *Länder* authorities on the possibilities to establish a common understanding on SALW reporting has been initiated.

Further, this report is subdivided into the following areas of coverage:

- A—B Territory of Germany only
- C—D Germany within SFOR
- E—F Germany within KFOR
- G—H Germany within AMBER FOX

2.1 Territory of Germany Only

Introductory Remarks

Due to diverging statistical methodology, the following acronyms are used for reasons of transparency:

- (D) Destroyed
- (C) Confiscated

In the majority of cases, statistics provided by *Länder* police forces for 2001 so far have not made a distinction between different categories of small arms.

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
A Small arms			Surplus, seizure and destruction as well as confiscation reported by—
		(D) 0 (C) 1,000	♦ the Federal Border Police
		(C) 6	♦ the Federal Criminal Police Bureau
			♦ the <i>Land</i> police forces of—
		(D) 225 (C) 312	• Saxony-Anhalt
		(D) 15 (C) 132	• Mecklenburg-Western Pomerania
		(D) 23 (C) 0	• Lower Saxony
		(D) 0 (C) 183	• Saxony
		(D) 0 (C) 250	• Saarland
	234	(D) 74 (C) n.a.	• Bremen
	89	(D) 141 (C) 1,252	• Baden-Wuerttemberg
		(D) 778 (C) 264	• Schleswig-Holstein
		(D) 23 (C) 940	• Rhineland-Palatinate
		(D) 0 (C) 6,194	• Bavaria
		(D) 13,546 (C) n.a.	• North Rhine/ Westphalia
		(D) 10 (C) 415	• Brandenburg

Territory of Germany only: (A) Small arms *cont'd*

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
1 Rifles and carbines	6		<i>Land</i> police forces of Saxony
2 Sub-machine guns		(D) 12 ³	Federal Criminal Police Bureau
	36 Skorpion m. 61 36 PM 63 Rak 27 Kalashnikov I 60 Kalashnikov K		<i>Land</i> police forces of Saxony
3 Assault rifles	24,743	(D) 2 ⁴	Federal Criminal Police Bureau Federal Armed Forces
	8 SSG 82 3 SSG Dragunov 7 SSG Kalashnikov 3 SMG K PKS		<i>Land</i> police forces of Saxony
4 Light machine guns			

³ Heckler & Koch MP5.

⁴ Heckler & Koch G3.

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
B Light weapons			
1 Heavy machine guns	—	—	
2 Hand-held under-barrel and mounted grenade launchers	—	—	
3 Portable anti-aircraft guns	—	—	
4 Portable anti-tank guns	—	—	
5 Recoilless rifles	—	—	
6 Portable launchers of anti-tank missile and rocket systems	—	—	
7 Portable launchers of anti-aircraft missile systems	—	—	
8 Mortars of calibers less than 100 mm	—	—	

2.2 Germany Within SFOR

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
C Small arms			
1 Revolvers and self-loading pistols		1	
2 Rifles and carbines		1	
3 Sub-machine guns		1	
4 Assault rifles		3	
5 Light machine guns		1	
D Light weapons			
1 Heavy machine guns		1	
2 Hand-held under-barrel and mounted grenade launchers			
3 Portable anti-aircraft guns		1	
4 Portable anti-tank guns			
5 Recoilless rifles		2	
6 Portable launchers of anti-tank missile and rocket systems			
7 Portable launchers of anti-aircraft missile systems			
8 Mortars of calibers less than 100 mm			

2.3 Germany Within KFOR

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
E Small arms			
1 Revolvers and self-loading pistols		106	
2 Rifles and carbines		228	
3 Sub-machine guns			
4 Assault rifles			
5 Light machine guns		42	
F Light weapons			
1 Heavy machine guns		3	
2 Hand-held under-barrel and mounted grenade launchers			
3 Portable anti-aircraft guns			
4 Portable anti-tank guns			
5 Recoilless rifles			
6 Portable launchers of anti-tank missile and rocket systems		8	
7 Portable launchers of anti-aircraft missile systems			
8 Mortars of calibres less than 100 mm		1	

2.4 Germany Within AMBER FOX

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
G Small arms			
1 Revolvers and self-loading pistols		2	
2 Rifles and carbines		343	
3 Sub-machine guns		462	
4 Assault rifles		3,210	
5 Light machine guns		189	
H Light weapons			
1 Heavy machine guns		21	
2 Hand-held under-barrel and mounted grenade launchers			
3 Portable anti-aircraft guns		17	
4 Portable anti-tank guns		38	
5 Recoilless rifles		2	
6 Portable launchers of anti-tank missile and rocket systems			
7 Portable launchers of anti-aircraft missile systems			
8 Mortars of calibers less than 100 mm		24	

Annex 3 Template for the Annual Information on SALW Exports

Reporting Country: **Germany**
Original Language: **English**

Report for Calendar Year: **2001**
Date of Submission: **June 30, 2002**

Category and Sub-Category	Final Importer State	Number of Items	State of Origin (if not Importer)	Inter-mediate Location (if any)	Comment on the Transfer
A Small arms					
1 Revolvers and self-loading pistols	Andorra Bulgaria Canada Czech Republic Estonia Georgia Hungary Kazakhstan Latvia Liechtenstein Lithuania Macedonia Malta Moldova Norway Poland Romania San Marino Slovak Republic Slovenia Spain Switzerland Turkey U.S.A. Uzbekistan	14 pieces 2,685 pieces 2,628 pieces 3,792 pieces 92 pieces 40 pieces 958 pieces 1 piece 246 pieces 1 piece 1,191 pieces 3 pieces 3 pieces 3 pieces 595 pieces 4,498 pieces 1 piece 20 pieces 948 pieces 1,115 pieces 1 piece 4,615 pieces 66 pieces 524,570 pieces 50 pieces			
2 Rifles and carbines	Andorra Belgium Canada Czech Republic Estonia France Hungary Iceland Lithuania Moldova Netherlands Norway Portugal Romania San Marino Slovak Republic Switzerland	17 pieces 2 pieces 1 piece 3,410 pieces 2 pieces 4 pieces 10 pieces 47 pieces 460 pieces 1 piece 27 pieces 6 pieces 2 pieces 2 pieces 32 pieces 6 pieces 239 pieces			

Category and Sub-Category	Final Importer State	Number of Items	State of Origin (if not Importer)	Inter-mediate Location (if any)	Comment on the Transfer
	U.S.A.	28,031 pieces			
3 Sub-machine guns	Austria	5 pieces			
	Belgium	1 piece			
	Canada	81 pieces			
	Czech Republic	294 pieces			
	Estonia	1 piece			
	Finland	322 pieces			
	France	1,277 pieces			
	Hungary	10 pieces			
	Ireland	16 pieces			
	Italy	92 pieces			
	Latvia	25 pieces			
	Luxembourg	5 pieces			
	Malta	52 pieces			
	Norway	400 pieces			
	Poland	6 pieces			
	Slovenia	55 pieces			
	Spain	35 pieces			
	Sweden	172 pieces			
	Switzerland	96 pieces			
	United Kingdom	366 pieces			
	U.S.A.	2,538 pieces			
	Yugoslavia	165 pieces			U.N. troops
4 Assault rifles	Belgium	2 pieces			
	Canada	27 pieces			
	Estonia	1 piece			
	France	7 pieces			
	Greece	3 pieces			
	Luxembourg	4 pieces			
	Norway	700 pieces			
	Slovenia	10 pieces			
	Spain	10,300 pieces			
	Sweden	31 pieces			
	Switzerland	23 pieces			
	United Kingdom	12 pieces			
	U.S.A.	700 pieces			
	Yugoslavia	40 pieces			U.N. troops
5 Light machine guns	Greece	46 pieces			
	U.S.A.	10 pieces			

Category and Sub-Category	Final Importer State	Number of Items	State of Origin (if not Importer)	Inter-mediate Location (if any)	Comment on the Transfer
B Light weapons					
1 Heavy machine guns	—	—			
2 Hand-held under-barrel and mounted grenade launchers	Austria Denmark Finland France Greece Netherlands Norway Portugal Switzerland United Kingdom U.S.A.	17 pieces 60 pieces 101 pieces 5 pieces 635 pieces 1,041 pieces 350 pieces 20 pieces 2 pieces 1 piece 1 piece			
3 Portable anti-aircraft guns	—	—			
4 Portable anti-tank guns	—	—			
5 Recoilless rifles	U.S.A.	1 piece			
6 Portable launchers of anti-tank missile and rocket systems	Netherlands	3 pieces			
7 Portable launchers of anti-aircraft missile systems	Turkey	304 pieces			
8 Mortars of calibers less than 100 mm	Austria Canada Norway	39 pieces 2,928 pieces 1 piece			

Annex 4 Template for the Annual Information on SALW Imports

Reporting Country: **Germany**
Original Language: **English**

Report for Calendar Year: **2001**
Date of Submission: **June 30, 2002**

General Remarks

Pursuant to Germany's constitutional law, competence in police matters is mainly attributed to the *Länder*; federal competence is provided for only with regard to the Federal Border Police, the Federal Criminal Police Bureau, the Customs Criminological Office and the Customs Investigation Service.

This pattern of competence in police matters is also reflected in the structure of reporting on police weaponry.

Consequently, this report is, by necessity, an attempt to harmonize available data from a wider range of official sources with the ambition of transparency as contemplated in the OSCE Document on SALW. An internal dialog between federal and *Länder* authorities on the possibilities to establish a common understanding on SALW reporting has been initiated.

Category and Sub-Category	Exporter State	Number of Items	State of Origin	Inter-mediate Location (if any)	End User Certificate Numbers or Reference	Comment on the Transfer
A Small arms						No procurement for the account of federal police authorities
1 Revolvers and self-loading pistols						Procurement for the account of the <i>Land</i> police forces of—
	not reported	3	not reported			<ul style="list-style-type: none"> • Saxony-Anhalt
	not reported	14	not reported			<ul style="list-style-type: none"> • Lower Saxony
	not reported	6	not reported			<ul style="list-style-type: none"> • Baden-Wuerttemberg
	Switzerland	31 Glock m. 19	Switzerland			<ul style="list-style-type: none"> • Saxony
	Switzerland	11 Glock m. 26	Switzerland			
	Switzerland	5 Glock m. 17	Switzerland			<ul style="list-style-type: none"> • Rhineland-Palatinate
	Switzerland	15 Glock m. 26	Switzerland			
	not reported	157	not reported			<ul style="list-style-type: none"> • Bavaria
	not reported	26	not reported			<ul style="list-style-type: none"> • North Rhine/ Westphalia
	not reported	5 Steyr m. 308	not reported			<ul style="list-style-type: none"> • Brandenburg

Category and Sub-Category	Exporter State	Number of Items	State of Origin	Intermediate Location (if any)	End User Certificate Numbers or Reference	Comment on the Transfer
2 Rifles and carbines	not reported	16	not reported			Procurement for the account of the <i>Land</i> police forces of— <ul style="list-style-type: none"> • Saxony-Anhalt • Bavaria • North Rhine/ West-phalia
3 Sub-machine guns	not reported	2	not reported			Procurement for the account of the <i>Land</i> police forces of Bavaria
4 Assault rifles	United Kingdom	200	United Kingdom			Procurement for the account of the Federal Armed Forces
	Switzerland	12 Sig Sg 551 -1	Switzerland			Procurement for the account of the <i>Land</i> police forces of Saxony
5 Light machine guns	—	—	—			—

Category and Sub-Category	Exporter State	Number of Items	State of Origin	Intermediate Location (if any)	End User Certificate Numbers or Reference	Comment on the Transfer
B Light weapons						
1 Heavy machine guns	—	—	—			—
2 Hand-held under-barrel and mounted grenade launchers	—	—	—			—
3 Portable anti-aircraft guns	—	—	—			—
4 Portable anti-tank guns	—	—	—			—
5 Recoil-less rifles	—	—	—			—
6 Portable launchers of anti-tank missile and rocket systems	—	—	—			—
7 Portable launchers of anti-aircraft missile systems	—	—	—			—
8 Mortars of calibers less than 100 mm	—	—	—			