

# **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 to which the Federal Republic has refrained from legislating on the federal level; art. 74(1)(4a) of the German Basic Law (*Grundgesetz*; official acronym: "GG").

The German Weapons Act (*Waffengesetz*; official acronym: "WaffG"), as amended, and subsequent Ordinances implementing the Weapons Act, merely leave subsidiary space for state legislation in non-war SALW matters.

Provisions establishing obligations to mark *firearms* are contained in s. 13 *WaffG*. 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.

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. The various German institutions use the following markings:

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

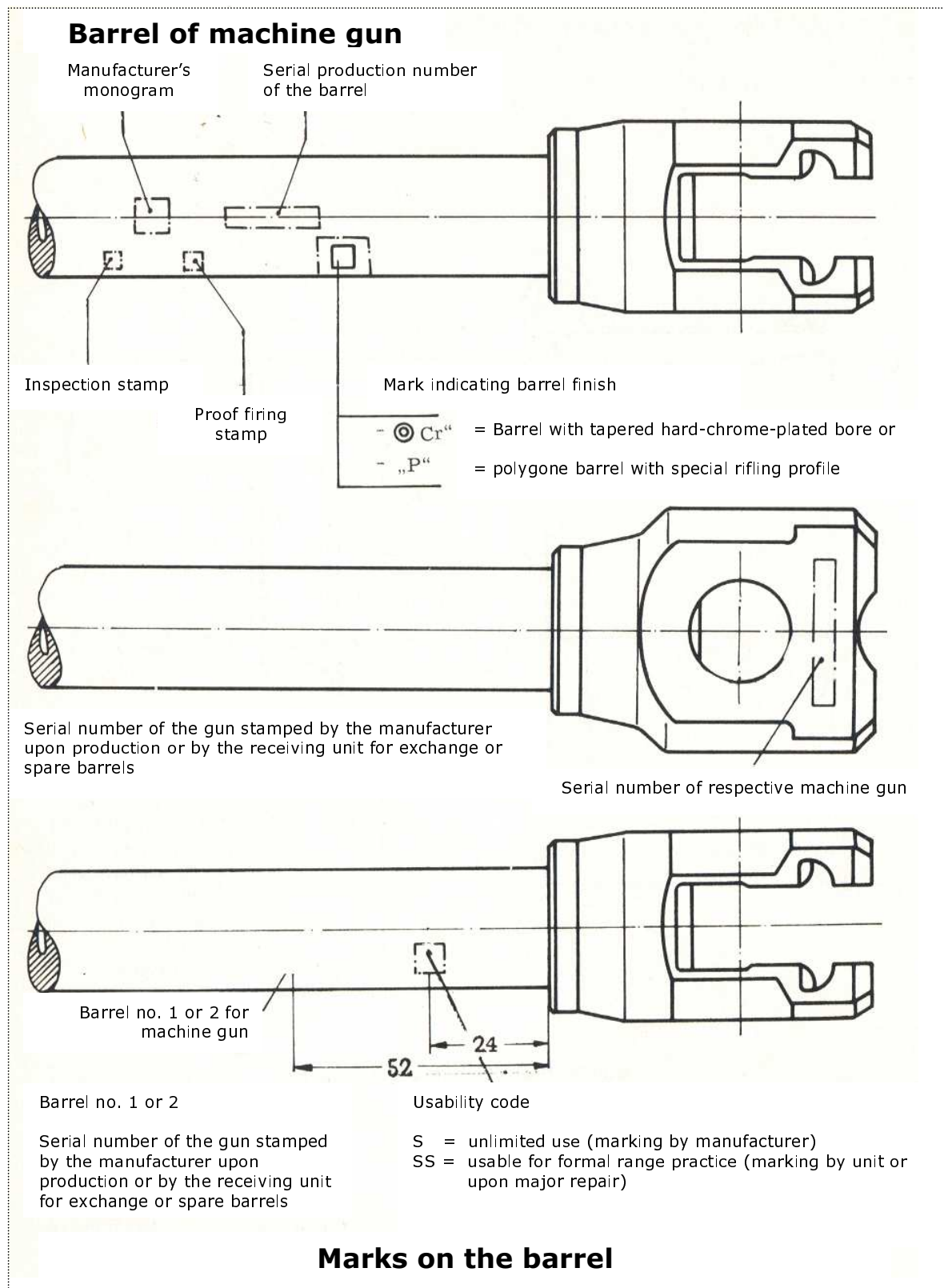
The marks are applied in accordance with the standards of applicable technical manuals.

STRELA and IGLA type MANPADS (Man-Portable Air-Defence Systems), taken over by the Bundeswehr from stocks of the Former German Democratic Republic, bear the following information:

- type,
- serial number,
- additional marks, such as, *e.g.*, maintenance information.

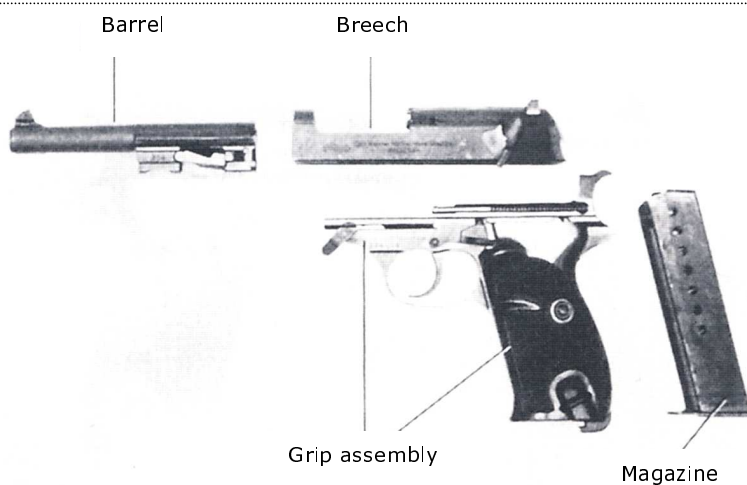
Exhibits 1.1.1:A through 1.1.1:J display both extracts reproduced from these manuals and photographs of the respective types of arms and weapons.

## Exhibit 1.1.1:A Marks on the barrel

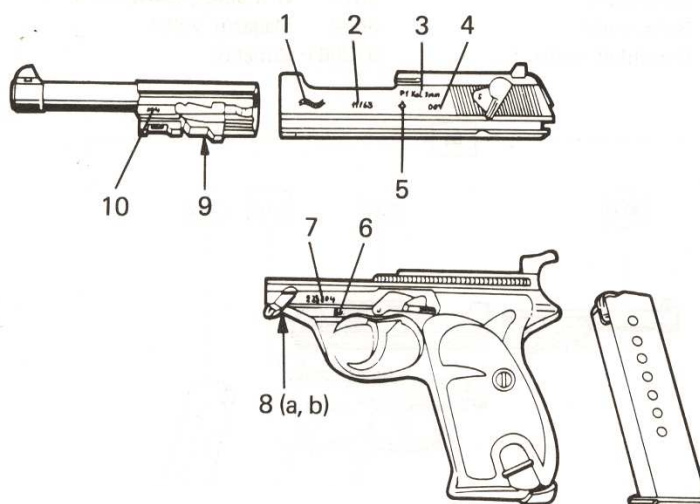




## Exhibit 1.1.1:B General assembly and location of marks



### (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

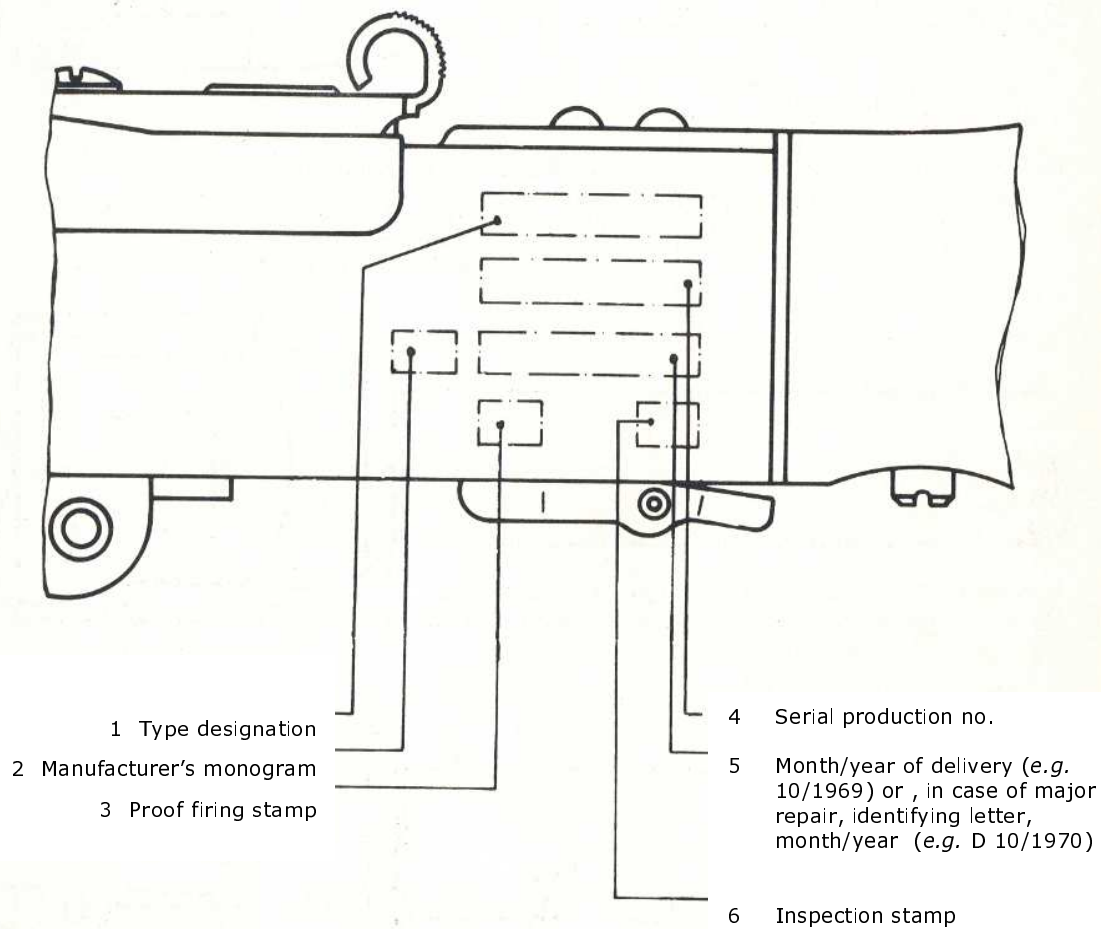
For pistols of earlier manufacturing—

- 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



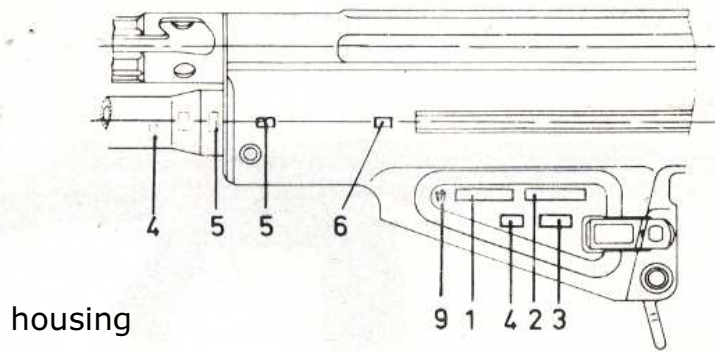
### Marks on the housing

#### NOTE

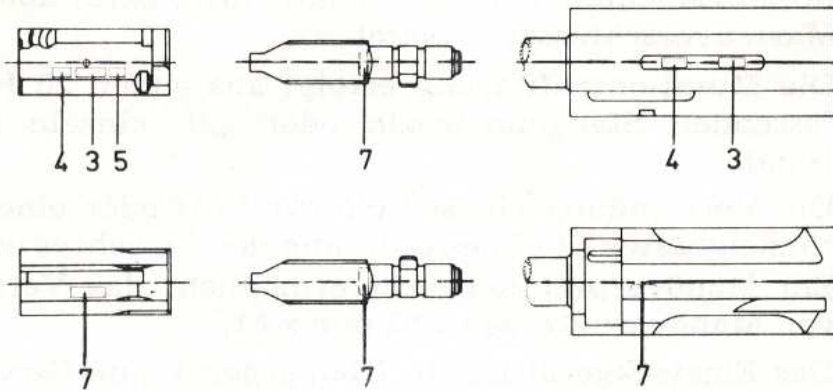
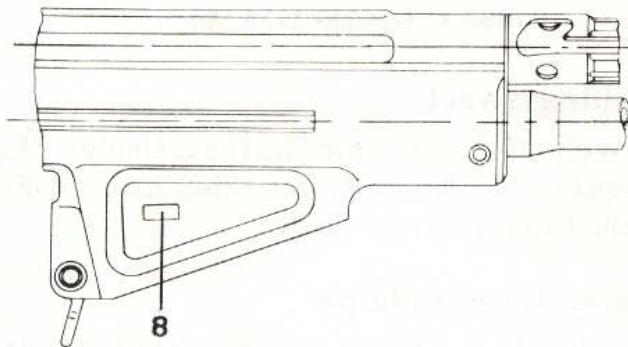
The MG 3A1 also has an "MG3" mark on the housing

## Exhibit 1.1.1:D Location of marks on rifle

### Location of marks on rifle



housing

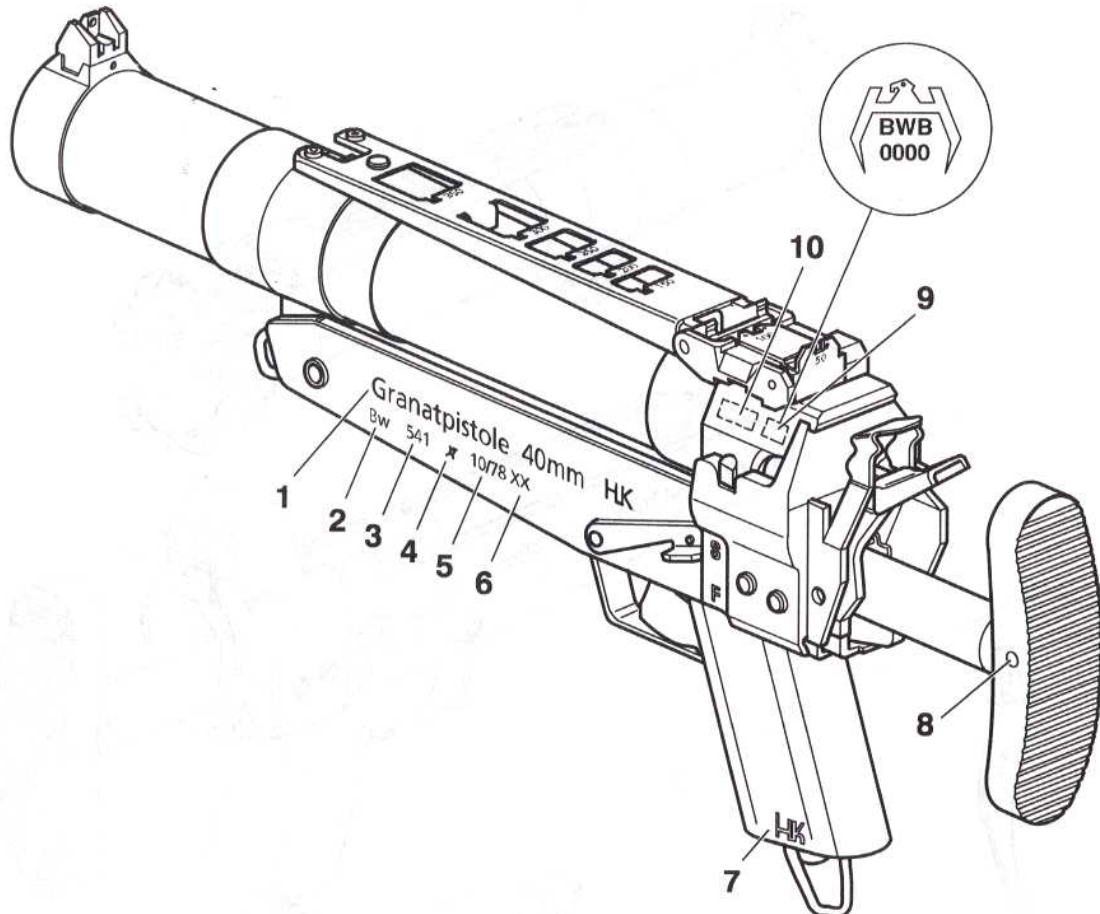


breech

- 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 on grenade gun

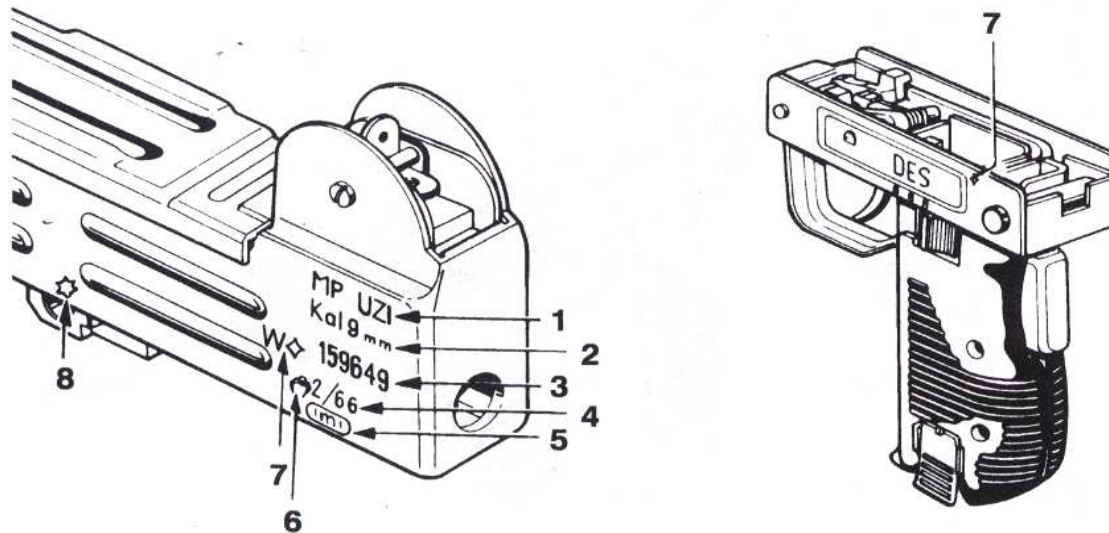
#### Location of marks on grenade gun



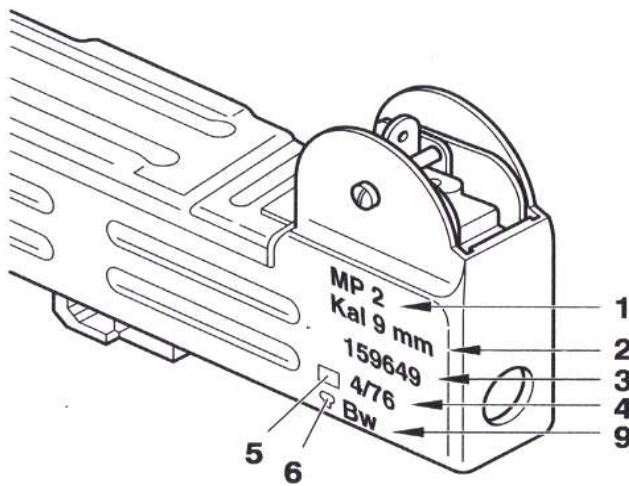
- 1 Type designation
- 2 Property stamp
- 3 Manufacturing no.
- 4 Asterisk for system maintenance center
- 5 Month/year of manufacturing (right-hand side: month/year of major repair, monogram of maintenance center)
- 6 Proof firing stamp/inspection stamp
- 7 Manufacturer's stamp
- 8 Mark for modified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

**Exhibit 1.1.1:F Location of marks on submachine gun**

**(i) –1975 series Location of marks on submachine gun**



**(ii) 1976– series**



**markings**

- |                                     |                                          |
|-------------------------------------|------------------------------------------|
| 1 type (submachine gun) and version | 6 control sign                           |
| 2 caliber                           | 7 maintenance data                       |
| 3 serial number                     | 8 final control                          |
| 4 month and year of production      | 9 enduser ( <u>B</u> undes <u>w</u> ehr) |
| 5 manufacturer                      |                                          |

# MANPADS 2 (FLF 2) STINGER

The drawing illustrates the MANPADS 2 (FLF 2) STINGER missile launcher. It includes a side view of the launcher with a callout for the squib thermal-battery, a top view of the launcher with callouts for the explosives marking and the gripstock-control, and a detailed view of the squib thermal-battery. The squib thermal-battery is a black, cylindrical component with a label that reads: MFR 64031, 18876-13056629H, S/N AI 15199, ARI 89F002-023. The label also includes the warning: DO NOT USE IF DOT IS DARK A233-D-03C1. The launcher has a long, thin body with a handle at the rear and a mounting bracket at the front. The drawing is labeled with 'a' and 'b' for the squib thermal-battery, '1' for the explosives marking, and '2' for the gripstock-control.

**MANPADS 2 (FLF 2) STINGER**

a - MFR 64031  
18876-13056629H  
S/N AI 15199  
ARI 89F002-023

b - MFR 64031  
18876-13056629H  
S/N AI 15199  
ARI 89F002-023

DO NOT USE  
IF DOT IS DARK  
A233-D-03C1

squib thermal-battery  
a - type no.  
b - serial no.

1 LOT NO.   
SERIAL NO.   
PART NO. 13317411  
MISSILE ROUND

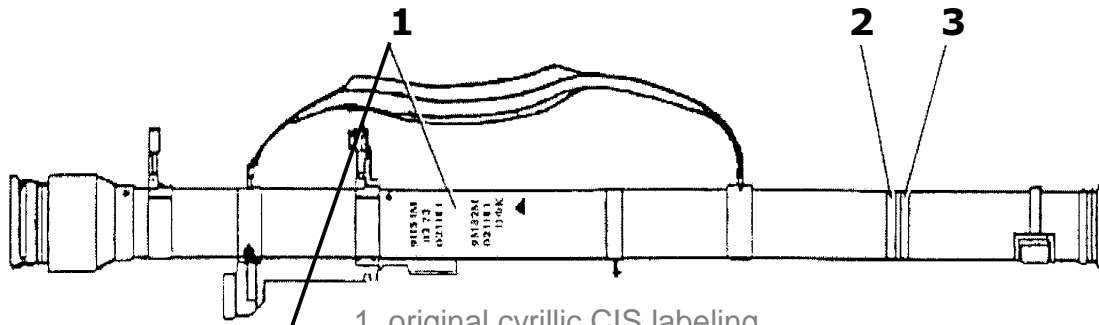
2 explosives marking  
(squarish 25 mm in daffodil yellow, RAL 1007)

3 GRIPSTOCK-CONTROL  
SERIAL NO

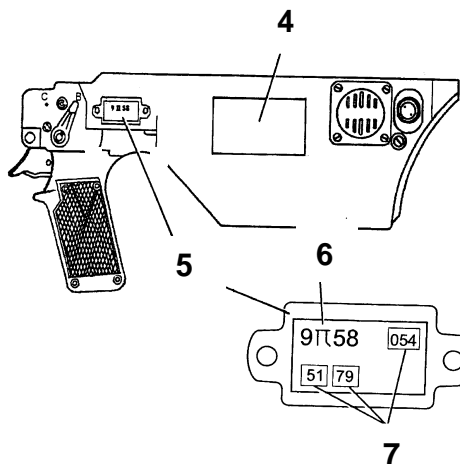
Manufacturer Code :  
DOR -> Dornier

**Exhibit 1.1.1:H Location of marks on MANPADS II**

## MANPADS 1 (East) SA-7 STRELA – 2



- 1 original cyrillic CIS labeling
- 2 color band, 15 mm wide, daffodil yellow, RAL 1007
- 3 color band, 15 mm wide, deer brown, RAL 8007



### gripstock marking

- 4 1440-12-700-ZC81 (NSN and repl. code)  
GRIPSTOCK CONTROL UNIT  
ASSY, MISSILE LAUNCHER (designation)

- 5 original CIS label

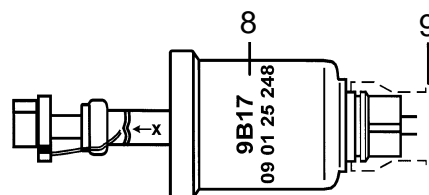
- 6 designation 9P58

- 7 serial number

### battery cooling unit marking

- 8 original labeling  
+ designation 9 W 17  
+ serial number

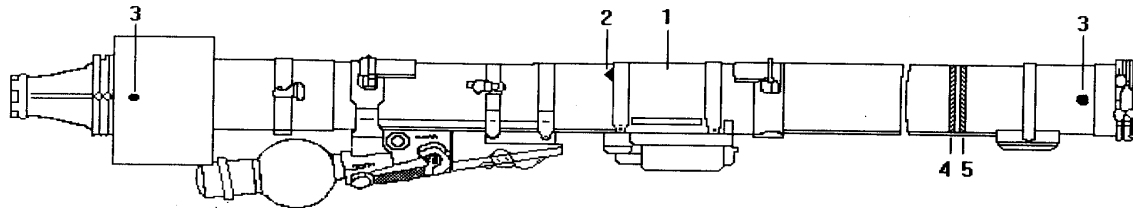
- 9 protective cap



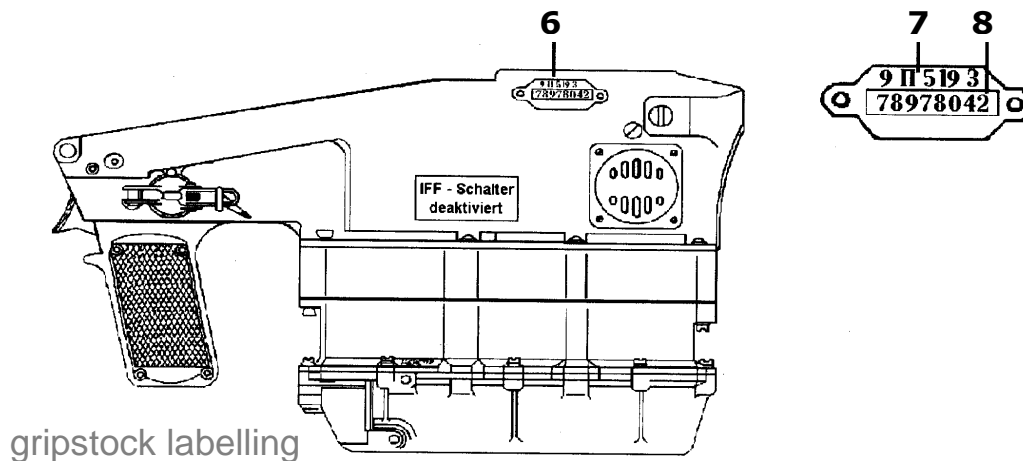


**Exhibit 1.1.1:J Location of marks on MANPADS III**

## MANPADS 2 (East) SA-14/16 IGLA



- 1 original cyrillic designation
- 2 distance between eyes and peep sight
- 3 proper location of the cocking lever of the front and rear protective caps
- 4 color band, 15 mm wide, daffodil yellow, RAL 1007
- 5 color band, 15 mm wide, deer brown, RAL 8007

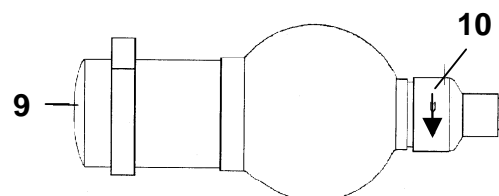


gripstock labelling

- 6 identification label
- 7 designation 9P519Ä
- 8 serial number

battery cooling unit labelling

- 9 text box
  - + designation 9 W 23
  - + production date (02-89-1)
  - + serial number 02 – 313
  - + weight (1,283 kg)
  - + charge pressure ( $P=350 \text{ kg/cm}^2$ )



- 10 turning direction to remove protective cap



### 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".

Weapons built before the 1960s - at that time marked with the identification "BUND" - may also be still in use today.

Weapons designated for use in West Berlin until 1989, were not allowed to bear the identification marks mentioned above. Pistols were marked with "AK" (Alliierte Kommandantur = Allied Headquarter); sub-machine guns were only allowed to be delivered to West Berlin by foreign manufacturers and thus bore different foreign identification marks, e.g. "MAS" when built and delivered by a French manufacturer. As far as these weapons came to be in use with the Federal Finance Administration past 1989, they were additionally marked with "BZV".

Revolver only bear the serial number and proof firing stamp.

### 1.1.3 *Federal Customs Administration, Federal Police and State Police Forces*

Under s. 13(5) *WaffG*, all firearms in use with the Federal Customs Administration, the Federal Police (*Bundespolizei*) 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 of the licensee, 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. The validity of the renewed license is also 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 of 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 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") on all registered transactions. Every second year, BAFA carries out inspections based on these statements.

### **3 Export Policy Procedures and Documentation; 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 all controlled 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, a license must be refused where there is a threat that war weapons might 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 would be violated (safeguarding essential security interests of the Federal Republic of Germany; disruption to the peaceful coexistence of nations; considerable disruption to Germany's foreign relations). 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 AWV 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 *AWV*, entitled "Export List," contains all items which are considered to be military equipment in the understanding of the *AWG* and the *AWV*. 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 preambular clause 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 April 25, 2005.

### 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 individual 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. Another significant aspect is whether an armed conflict is, in fact, ongoing, or is likely to occur between the country of destination and its neighboring states. In general, it must be certain that the military equipment will only be used for purposes of defense and remain in the country of destination.

As a 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 not more than 0.2% 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. However, for the export of SALW only individual licences are available. The "individual licence" (*Einzelgenemigung*) is the basic export licence. It authorizes the export of one or several pieces of equipment to one recipient upon application.

### 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 duration of a license may be distinct from usual license durations.

The only advantage 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, 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 one year; they may be extended for another year. 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 Labour. 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 Labour; 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. Sensitive or significant projects are, however, regularly submitted to the



Federal Ministry of Economics and Labour 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 AWV. 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 AWV 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] AWV).

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 a 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 Licenses Issued per Annum*

The following exhibits display the changes in the number of individual export licenses for small arms (A) and ammunition (B).

**Exhibit 3.1.11:A Individual export licenses for small arms  
- value in € Millions -**

<b>Year</b>	<b>EU-Countries</b>	<b>NATO countries or countries with status equal to NATO- countries (without EU- countries)</b>	<b>Third Countries</b>	<b>Total of Individual Export Licenses</b>
1996	0.89	2.60	1.87	5.36
1997	5.60	4.11	6.24	15.95
1998	2.09	14.68	6.57	23.34
1999	10.14	6.38	4.74	21.26
2000	4.97	3.58	0.27	8.82
2001	24.57	6.62	7.43	38.62
2002	45.31	12.09	4.20	61.6
2003	35.56	8.76	8.59	52.9

**Exhibit 3.1.11:B Individual export licenses for small arms  
ammunition and ammunition components  
- value in € Millions -**

<b>Year</b>	<b>EU-Countries</b>	<b>NATO countries or countries with status equal to NATO- countries (without EU- countries)</b>	<b>Third Countries</b>	<b>Total of Individual Export Licenses</b>
1996	0.30	0.50	0.09	0.89
1997	4.60	5.00	0.74	10.34
1998	4.64	10.09	0.63	15.36
1999	2.83	14.95	0.15	17.93
2000	2.81	2.84	0.04	5.69
2001	2.20	12.46	1.80	16.46
2002	7.08	6.10	1.88	15.06
2003	1.83	8.53	1.61	11.96

### 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), (ii) private end-user declarations (exhibitor, company or private individual), and (iii) International Import Certificates (IICs). Details regarding the various types of end-user documents can be found in the BAFA notification dated February 12, 2002, repealing the notification of December 1997.<sup>1</sup>

### 3.1.14 *End-Use Verification and Procedures Governing Retransfer*

Due to the principle of sovereignty, 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's 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 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.

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<sup>1</sup> 54:60b *Bundesanzeiger* (Federal Gazette) 3 sqq. (2002)  
<[http://www.ausfuhrkontrolle.info/bekanntmachungen/pdf/eve\\_bk.pdf](http://www.ausfuhrkontrolle.info/bekanntmachungen/pdf/eve_bk.pdf)> Sample certificates can be  
downloaded at <[http://www.ausfuhrkontrolle.info/formulare/pdf/eve\\_muster.pdf](http://www.ausfuhrkontrolle.info/formulare/pdf/eve_muster.pdf)>

### 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
- 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 suspicion of offense, is 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 8 regional customs investigation offices. Throughout Germany, some 2300 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 2004. 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, 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 Germany requires a license. Licenses are granted or denied 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 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*

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 applies 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 one of the *Bundeswehr* maintenance facilities 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 Bundeswehr Logistics Center.



## **4.2 Federal Finance Administration**

The Federal Finance Administration destroys between 100 and 200 weapons per annum in its central repair facility for weapons. This is mainly done by severing and flame cutting. The destruction process is documented.

- Pistols: Defective main parts are used for the manufacturing of so called "yellow arms" (non-functional arms for training purposes which can be identified by yellow colourations).  
All other defective parts are transferred to scrap metal recycling.
- Sub-machine guns: Defective main parts are destroyed by means of flame cutters. Serial number and ownership sign are entirely destroyed during this process.
- Other weapons: Defective main parts are destroyed by means of flame cutters. The serial number is entirely destroyed during this process.

In case of rare seized or confiscated weapons, these are transferred to the collections of the Customs Administration Academy or other Federal Institutions for educational purposes.

In particular cases, seized or confiscated weapons are also sold to authorised weapon traders. The circumstances are individually documented.

## **4.3 Federal Police**

Weapons seized or confiscated by the Federal 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 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.

Within the framework of SEESAC (South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons) Germany renders substantial contributions to projects dedicated to the destruction of Small Arms and Light Weapons.

Germany supported the SALW destruction project in Albania in the year 2001 as well as a number of other SALW related projects in the OSCE area, Africa and Asia providing:

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

## **5 Seized or Confiscated Weapons**

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

Annexes 2.2 and 2.3 contain information on SALW seized and destroyed by EUFOR and KFOR. ISAF did not collect or destroy SALW in the referred period.

## **6 Reduction of Surplus Weapons**

Germany is still reorganizing its armed forces and adapting its holdings of armaments and equipment to the new requirements. The *Bundeswehr* has reduced **13.966** weapons of the SALW category in the year 2004

### **6.1 Reductions of Small Arms and Light Weapons in the year 2004**

See Annex 2.1

### **6.2 Reductions of Small Arms and Light Weapons in the period 1990-2004**

After reunification and based on the political and military changes during the last 14 years within Europe following the collapse of the Iron Curtain, the holdings of the German Armed Forces have constantly been adapted to the current situation. The process of re-organization is still going on and will be finished in 2006.

For 2005 a surplus of about 150.000 SALW is expected. The number of weapons that will be destroyed within 2005 is dependent on decisions concerning the structure of the Federal Armed Forces and budgetary considerations.

From 1990 to 2004 the Federal Armed Forces have reduced **1.781.953** weapons of the *SALW* category.

**Exhibit 6.2:A      Total Amount of destroyed SALW within the Federal Armed Forces in the period 1990 – 2004**

Machine guns	23,679
Sub-machine guns; including automatic pistols	57,416
Automatic rifles	731,817
Guns, including automatic cannons, howitzers and mortars of calibres less than 100mm	2,353
Under - barrel grenade launchers	3,414
Anti-Tank weapons - recoilless rifles	30,112
Anti-Tank rocket systems and launchers	1,412
Weapon systems of the former National People`s Army in the above - mentioned categories	931,750
<b>Total</b>	<b>1,781,953</b>

## **Annex 1 National Stockpile Management and Security Procedures**

### **1.1 Characteristics for Stockpile Locations**

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. The selection and planning of a stockpile facility follows national construction regulations and safety procedures required by national and NATO regulations. 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. Before any stockpile facility is used, national inspections regarding the materials used, fire protection and security measures are carried out by authorized personnel. 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**

In order to ensure strict control of physical security measures, NATO and national construction regulations for munitions facilities are applied. All kinds of physical security 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 on the type and quantity of the stored items. Arms and ammunition are stored in separate locations, ammunition buildings, shelters or facilities. The storage of disabled arms and spare parts in the same location, however, is permitted. 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. 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. 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**

Access is generally limited to key personnel who have been trained and security-checked. Local staff accompanies additional personnel working temporarily in a stockpile facility after being registered at the entrance. Access is granted to duty personnel of the guard unit and temporarily assigned personnel after checking. 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. The officer in charge has to provide a written order to permit

access to keys for arms and ammunition stores for authorized personnel. Normally, no individual is allowed to have access to the keys for both arms and ammunition stores. 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**

Generally, all holdings of arms and ammunition are recorded. Consumption and location are registered so that discrepancies can be explained. 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. 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. Each report of loss or theft is individually checked. Depending on the type of the unit, security inspections are conducted periodically. 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**

There is a contingency plan in place and it is practiced periodically. All stockpile sites are physically protected with security personnel and technical measures. Each site is also connected to the respective civilian police station or to the military units for reinforcement.

#### **1.6 Sanctions for Theft and Loss**

The authority in charge of investigations of theft or loss of military arms and ammunitions is the local commanding officer for immediate investigations. 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 further treatment and punishment. 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 2004, 6 pistols, 7 signal pistols, 1 submachine-gun and 5 rifles were reported as stolen.

#### **1.7 Procedures to Maximize Security in Transit**

Every movement (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. So the level of protection depends on the amount and type of arms or ammunition. Without exception, the

transportation of arms and ammunition is conducted with separate means of transportation. Depending on the amount and type of arms or ammunition, also the shipment routes are pre-planned including alternative routes. The military organization, local authorities and the civilian police are informed accordingly. There are no differences between routine and non-routine shipments of munitions.

## **1.8 Security Training of Stockpile Staff**

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**

Under the auspices of the OSCE, Germany has participated in information seminars in Moldova and Macedonia..

## **Annex 2 Template for the Annual Information on SALW Identified as Surplus and/or Seized and Destroyed in the year 2004**

Reporting Country: **Germany**      Report for Calendar Year: **2004**  
Original Language: **English**      Date of Submission: **June 30, 2005**

### **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 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.

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

- A—B      Territory of Germany only (total number of destroyed SALW: 53,273, as of surplus destroyed **43,513**, seized/confiscated and destroyed presently 9.760)
- C—D      Germany within EUFOR (total number of destroyed SALW: **789**)
- E—F      Germany within KFOR (total number of destroyed SALW: **42** )

## 2.1 Territory of Germany Only

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
<b>A Small arms</b>			
1 Revolvers and Self-Loading Pistols			Surplus, seizure and destruction as well as confiscation reported by—
	1,975		♦ the Federal Armed Forces
	194	11	♦ the Federal Finance Administration
			♦ Federal Criminal Police Bureau
	22,493	5,277	♦ the Federal Ministry of the Interior (reported by border police and Länder police forces)
			♦



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

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
2 Rifles and carbines	8,820		♦ the Federal Armed Forces
		3	♦ the Federal Finance Administration
	6,524	4,293	♦ the Federal Ministry of the Interior (reported by border police and Länder police forces)
			♦ the Federal Criminal Police Bureau
3 Sub-machine guns	20		♦ the Federal Armed Forces
	158	115	♦ the Federal Ministry of Interior (reported by border police and Länder police forces)
	176	0	♦ the Federal Finance Administration
			♦ Federal Criminal Police Bureau
4 Assault rifles	2	42	♦ the Federal Ministry of the Interior (reported by border police and Länder police forces)
	-	-	♦ the Federal Finance Administration

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
5 Light machine guns	1,369	18	<ul style="list-style-type: none"> <li>♦ the Federal Armed Forces</li> <li>♦ the Federal Ministry of the Interior (reported by border police and Länder police forces)</li> <li>♦ the Federal Finance Administration</li> </ul>
<b>B Light weapons</b>			
1 Heavy machine guns		1	<ul style="list-style-type: none"> <li>♦ the Federal Ministry of the Interior (reported by border police and Länder police forces)</li> </ul>
2 Hand-held under-barrel and mounted grenade launchers	441		<ul style="list-style-type: none"> <li>♦ the Federal Armed Forces</li> </ul>
3 Portable anti-aircraft guns			
4 Portable anti-tank guns			<ul style="list-style-type: none"> <li>♦ the Federal Ministry of the Interior (reported by border police and Länder police forces)</li> </ul>
5 Recoilless rifles	1,341		<ul style="list-style-type: none"> <li>♦ the Federal Armed Forces</li> </ul>
6 Portable launchers of anti-tank missile and rocket systems			
7 Portable launchers of anti-aircraft missile systems and - guns	0		
8 Mortars of calibers less than 100 mm			

## 2.2 Germany within EUFOR

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
<b>C Small arms</b>			
1 Revolvers and self-loading pistols		<b>32</b>	
2 Rifles and carbines		<b>133</b>	
3 Sub-machine guns		<b>19</b>	
4 Assault rifles		<b>572</b>	
5 Light machine guns		<b>7</b>	
<b>D Light weapons</b>			
1 Heavy machine guns		<b>12</b>	
2 Hand-held under-barrel and mounted grenade launchers		<b>3</b>	
3 Portable anti-aircraft guns		<b>0</b>	
4 Portable anti-tank guns		<b>7</b>	
5 Recoilless rifles		<b>0</b>	
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		<b>4</b>	

## 2.3 Germany within KFOR

Category and Sub-Category	Deemed Surplus and Destroyed	Seized or Confiscated and Destroyed	Comments
<b>E Small arms</b>			
1 Revolvers and self-loading pistols		<b>14</b>	
2 Rifles and carbines		<b>14</b>	
3 Sub-machine guns		<b>2</b>	
4 Assault rifles		<b>12</b>	
5 Light machine guns			
<b>F Light weapons</b>			
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 calibres less than 100 mm			

## Annex 3

### Template for the Annual Information on SALW Exports

Reporting Country: **GERMANY**  
Original language: **ENGLISH**

Report for Calendar Year: **2004**  
Date of submission: **June 30, 2005**

Category and Sub-Category (Names and / or Models)	Final importer State	Number of Items	State of Origin (if not exporter)	Intermediate location (if any)	Comment on the transfer
A Small arms					
1. Revolvers and self-loading pistols					
2. Rifles and carbines	Andorra Austria Belgium Bulgaria Canada Czech Republic France Iceland Italy Lithuania Malta Norway Poland Portugal Romania Russian Federation San Marino Spain Sweden Switzerland Slovakia USA	2 pieces 1 piece 1 piece 1 piece 1 piece 67 pieces 2 pieces 51 pieces 7 pieces 4 pieces 1 piece 16 pieces 1 piece 1 piece 10 pieces 10 pieces 66 pieces 5 pieces 4 pieces 37 pieces 1 pieces 23,752 pieces			
3. Sub-machine guns	Austria Belgium Bulgaria Canada Czech Republic Estonia Finland France Greece Italy Kazakhstan Lithuania Luxembourg	3 pieces 28 pieces 6 pieces 81 pieces 352 pieces 10 pieces 32 pieces 1 pieces 4,763 pieces 63 pieces 200 pieces 10 pieces 65 pieces			

	Netherlands	9 pieces			
	Norway	6 pieces			
	Poland	97 pieces			
	Portugal	77 pieces			
	Romania	51 pieces			
	Serbia and Monte.	5 pieces			
	Slovakia	86 pieces			
	Spain	74 pieces			
	Sweden	50 pieces			
	Switzerland	32 pieces			
	United Kingdom	1,063 pieces			
	USA	1,320 pieces			
4. Assault rifles	Belgium	12 pieces			
	Canada	26 pieces			
	Czech Republic	15 pieces			
	Finland	5 pieces			
	France	1 pieces			
	Italy	15 pieces			
	Lithuania	26 pieces			
	Netherlands	4 pieces			
	Norway	10 pieces			
	Poland	36 pieces			
	Portugal	40 pieces			
	Slovenia	5 pieces			
	Spain	120 pieces			
	Sweden	50 pieces			
	Switzerland	8 pieces			
	United Kingdom	6 pieces			
	USA	7,473 pieces			
5. Light machine guns	Greece	164 pieces			
	Lithuania	1 piece			
	Portugal	4 pieces			
	Turkey	2 pieces			

<i>B Light weapons</i>					
<i>1 Heavy machine guns</i>	—	—			
<i>2 Hand-held under-barrel and mounted grenade launchers</i>	Austria Canada Denmark Finland France Italy Lithuania Norway Portugal Slovakia Slovenia Spain Sweden Switzerland United Kingdom USA	15 pieces 2 pieces 26 pieces 20 pieces 12 pieces 6 pieces 27 pieces 5 pieces 5 pieces 25 pieces 40 pieces 50 pieces 38 pieces 1 piece 111 pieces 1,116 pieces			
<i>3 Portable anti-aircraft guns</i>	—	—			
<i>4 Portable anti-tank guns</i>	—	—			
<i>5 Recoilless rifles</i>	France USA	6 pieces 29 pieces			
<i>6 Portable launchers of anti-tank missile and rocket systems</i>	—	—			
<i>7 Portable launchers of anti-aircraft missile systems</i>	Greece	200 pieces			
<i>8 Mortars of calibres less than 100 mm</i>	Austria Canada Finland Norway Sweden	80 pieces 427 pieces 1,212 pieces 20 pieces 10 pieces			

## Annex 4 Template for the Annual Information on SALW Imports

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

Report for Calendar Year: **2004**  
Date of Submission: **June 30, 2005**

### 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 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.

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>A Small arms</b>						
1 Revolvers and self-loading pistols	USA Austria	84* 457			*SE/875/L D/0023	Procurement for the account of the forces of  (84*/25) police Hamburg  (170) police Lower Saxony  (10) police Bavaria  (190) police Brandenburg  (62) police Hessen
2 Rifles and carbines	United Kingdom	31				Procurement for the account of the <i>Land</i> police forces



						of— (30) Berlin (1) Federal Criminal Police Bureau
3 Sub- machine guns						
4 Assault rifles	Italy Austria	2 11				Procurement for the account of the <i>Land</i> police forces of—  (2) Brandenburg  (1) Bayern
5 Light machine guns	—	—	—			—

<b>B Light weapons</b>						
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	—	—	—			