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General Ordinance on the Weapons Act (AWaffV)

General Ordinance on the Weapons Act of 27 October 2003 (Federal Law Gazette I, p. 2123), amended by Article 2 (63) of the Act of 22 December 2011 (Federal Law Gazette I, p. 3044)

The obligations arising from Directive 98/34/EC of the European Parliament and the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services (Federal Law Gazette no. L 204, p. 37), as amended by Directive 98/48/EC of the European Parliament and the Council of 20 July 1998 (Official EC Journal no. L 217, p. 18), have been duly observed.

Legislative body's reference to EC law: EC Directive 34/98 (CELEX no.: 398L0034) duly observed

Preamble

On the basis of Section 6 (4), Section 7 (2), Section 15 (7), sentence 2, Section 22 (2), Section 25 (1), Section 27 (7), sentence 2, Section 34 (6), Section 36 (5) and Section 47 of the Weapons Act of 11 October 2002 (Federal Law Gazette I, p. 3970, 4592, 2003 I, p. 1957), in each case in conjunction with Article 17 of the Act of 11 October 2002 (Federal Law Gazette I, p. 3970, 4013), the Federal Ministry of the Interior decrees the following:

Part 1

Verification of specialized knowledge

Section 1

Scope of specialized knowledge

(1) The specialized knowledge which is to be verified in the examination pursuant to Section 7 (1) of the Weapons Act shall comprise adequate knowledge

1. on the statutory provisions of the law as applies to arms and weaponry, to the proof testing of arms and ammunition, to self-defence and to states of emergency,
2. regarding technical aspects of weaponry on guns (long firearms, short firearms and ammunition) concerning the mode of functioning, internal and external ballistics, range and mode of action of the projectile, with regard to prohibited objects which do not constitute guns concerning the mode of functioning and action and range,
3. on the safe handling of weapons or ammunition, including adequate shooting skills with guns.

(2) The knowledge of weapons and ammunition to be verified pursuant to sub-section 1 shall require verification solely for the type of weaponry and ammunition forming the subject of the licence application and solely for the purpose pertaining to the demonstrated need.

(3) In the case of licence applications pursuant to Section 26 of the Weapons Act, the specialized knowledge to be verified shall include a knowledge of materials, manufacture and ballistics, in addition to the technical knowledge of weaponry.

Section 2

Examination

(1) The competent authority shall establish examination committees for the purposes of the examination.

(2) An examination committee shall comprise the chairman and two assessors. The members of the committee must be duly knowledgeable in the field of weaponry. No more than one member of the committee may be involved in the manufacture or trading of weapons.

(3) The examination shall comprise a theoretical and a practical part, the latter including the verification of adequate skills pursuant to Section 1 (1), no. 3. A record of the result and the key contents of the examination shall be drawn up and duly signed by the chairman of the examination committee.

(4) The applicant shall be issued with a certificate to confirm the result of the examination, whereby the said certificate must indicate the type and scope of specialized knowledge acquired and shall be signed by the chairman of the examination committee.

(5) A failed examination may be retaken several times. The examination committee may determine that the examination can only be repeated after a specific period has elapsed.

Section 3

Verification of specialized knowledge by other means

(1) The required specialized knowledge shall be deemed to be available in particular where the applicant

1.

a) has passed the hunting examination or an equivalent examination or demonstrates by way of a certificate issued by a senior shooting instructor that they have acquired the necessary knowledge by attending a training course in preparation for the hunting examination,

b) has passed the journeyman's examination for the gunsmith's trade or

2.

a) has demonstrated his specialized knowledge pursuant to Section 22 (1), sentence 1 of the Weapons Act,

b) has been employed full-time in the guns and ammunition trade for at least three years or

c) has acquired the specialized knowledge to be demonstrated pursuant to Section 7 of the Weapons Act by way of another form of training, in particular a form of training which is recognised by the authorities or the government, or in the capacity of a marksman at a recognised shooting association, and has furnished evidence of such knowledge in the form of a certificate from the relevant authority, training body or shooting association,

provided that the activity pursuant to no. 2, letter b or the training pursuant to no. 2, letter c was of an appropriate nature to impart the specialized knowledge which is necessary in handling the weapon or ammunition forming the subject of the licence application. Training within the meaning of no. 2, letter c may also be carried out in connection with

1. training concluding in a state examination authorising successful candidates to fly or sail an air- or water-borne vehicle,

2. state-recognised apprenticeships in the fields of aviation and shipping.

Evidence of the specialized knowledge as required by the Weapons Act shall be provided in the form of a certificate issued by the examination commission or an entry in the examination certificate or the flying/sailing licence.

(2) State recognition of training courses to impart specialized knowledge regarding the handling of weapons and ammunition shall be provided by the competent authority; it shall apply for the entire scope of the Weapons Act. The weapons-related part of a state examination authorising successful candidates to fly or sail an air- or water-borne vehicle shall be recognised where the theoretical training takes place on the basis of recognised criteria, in particular a list of questions agreed between the Federation, the Länder and associations, and where practical instruction on the handling of emergency signalling devices for use at sea is provided by duly proficient persons.

(3) Training courses may only be recognised where the knowledge specified in Section 1 (1), nos. 1 and 2 is imparted in a theoretical part and adequate skills in the handling of weapons and in shooting with guns pursuant to Section 1 (1), no. 3 are imparted in a practical part; Section 1 (2) shall remain unaffected. Training courses shall furthermore only be recognised where

1. the applicant possesses the necessary reliability and personal aptitude to undergo the training,
2. the organisational management for the course and the teaching staff appointed by the body responsible for staging the course ensure that the training is conducted in a correct and proper manner,
3. the duration of the training course ensures that the necessary knowledge and skills are duly imparted in a sufficiently thorough manner and
4. the applicant is provided with the necessary teaching materials and disposes of a suitable classroom.

(4) The training course shall conclude with a theoretical and a practical examination. The examination shall be sat before an examination committee established by the body staging the training course. Section 2 shall otherwise apply mutatis mutandis, with the proviso that the body staging the training course is obliged

1. to provide the authority competent for the training venue with two weeks' advance notice of the examination, specifying the names of the examination candidates and
2. to permit a representative of the authority to participate in the examination. Where a representative of the authority participates in the examination, he shall have the status of an additional assessor on the examination committee; in case of a parity of votes, the chairman shall have the casting vote.

(5) Shooting clubs which belong to a shooting association recognised in accordance with Section 15 (3) of the Weapons Act may carry out examinations to assess their members' specialized knowledge. Sub-section 2, 2nd clause and sub-sections 3 and 4 shall apply here accordingly. The shooting clubs shall establish their own examination committees for the purposes of the examination.

Part 2

Verification of personal aptitude

Section 4

Expert opinion on personal aptitude

(1) Anyone

1. for whom the competent authority orders the submission of an expert opinion from a public health officer, specialist or psychologist on account of reasonable doubts concerning the certificates furnished or due to concerns founded on facts that he may
 - a) have limited or no legal capacity,
 - b) be dependent on alcohol or other intoxicating substances, mentally ill or feeble-minded,
 - c) be unable, due to personal circumstances, to handle weapons or ammunition cautiously or properly, or to store such objects carefully, or may be at a specific risk of injuring themselves or others, or
2. who is obliged to furnish an expert opinion on his mental aptitude because he is under 25 years of age and intends to acquire and own a gun subject to licensing requirements, with the exception of guns of the type specified in Section 14 (1), sentence 2 of the Weapons Act, is to appoint a competent expert to submit such an opinion at his own expense.

(2) In cases covered by sub-section 1, the expert opinion should be drawn up by experts belonging to the following disciplines:

1. public health officers,
2. specialists in the fields of psychiatry, psychiatry and psychotherapy, psychiatry and neurology, neurology, child and adolescent psychiatry or child and adolescent psychiatry and psychotherapy,
3. psychotherapists who are registered in accordance with the law on psychotherapists,
4. specialists in psychotherapeutic medicine or
5. psychologists specialised in legal psychology, traffic psychology or clinical psychology.

The necessary competence in the field concerned shall be verified according to professional rules and standards.

(3) In cases covered by sub-section 1, no. 1 the authority shall notify the person concerned of the grounds for its doubts or the facts upon which its concerns are founded and require the person to undergo a medical examination at his own expense within a period stipulated by the authority and to furnish an expert opinion. The applicant is to inform the authority of the identity of the person whom he has appointed to undertake the examination. On request from the examining expert, the authority shall forward to the latter records which are in its possession and necessary for the purposes of drawing up the expert opinion, subject to the consent of the applicant. Upon submitting the expert opinion, the expert shall be obliged to dispose of the records by handing them over to the authority or destroying them.

(4) The expert must not have treated the applicant in the past five years. The expert is to warrant in his opinion that the applicant has not been in his treatment during the aforestated period and is not currently in his treatment. Sentences 1 and 2 shall not exclude consultation by the expert of the family doctor or specialist treating the applicant in the aforestated period.

(5) The expert is to acquire a personal impression of the applicant. The expert opinion must provide information on whether the applicant lacks the personal aptitude to handle weapons or ammunition; the method applied in drawing up the expert opinion must be specified. In cases covered by sub-section 1, no. 2 an expert opinion based on recognised test methods and addressing the question of whether the applicant lacks the necessary mental aptitude to handle the guns stated in the opinion due to a lack of maturity is generally sufficient. If the test alone is not sufficient to exclude the possibility that the applicant may lack the necessary

mental aptitude, a further examination shall be conducted in accordance with the prevailing scientific standards.

(6) Where, in cases covered by sub-section 1, no. 1, the applicant refuses to be examined or fails to furnish the competent authority with the required expert opinion within the stipulated period for reasons for which he is responsible, the authority may conclude in its decision that the applicant lacks the necessary aptitude. The applicant shall be notified accordingly in connection with the order pursuant to sub-section 1, no. 1 in conjunction with sub-section 3, sentence 1.

(7) In place of the certificate stated in Section 6 (3) of the Weapons Act, holders of service weapons may submit a certificate from their authority confirming that their mental aptitude has already been assessed by a competent expert and that they possess unrestricted authorisation to handle service weapons.

Part 3

Sporting regulations; exclusion of guns; consultative committee

Section 5

Sporting regulations

(1) Approval for sporting regulations for shooting with guns shall be subject in particular to the requirement that shooting takes place at approved shooting ranges only and that

1. every marksman is subject to the sporting regulations,
2. adequate safety provisions are stipulated for shooting, in particular specifying rules pertaining to the required responsible supervisors (Section 10),
3. shooting is carried out with weapons which are not excluded from use in shooting as a sport (Section 6),
4. no shooting exercises are carried out which are not permitted for the purposes of shooting as a sport (Section 7),
5. each individual shooting discipline is specified and the weapons approved for each discipline are designated according to type, calibre, barrel length and sights, whereby it may be expressly stipulated for individual shooting disciplines that only individual stipulations or no special stipulations apply (free classes), and
6. shooting ranges approved for the respective shooting disciplines are available for regular use.

(2) The key rules and specifications required to assess fulfilment of the necessary conditions, in particular the procedures applying to the individual shooting disciplines, are to be enclosed with the application for approval of sporting regulations for shooting. Approval is to be obtained for amendments to the sporting regulations for shooting, in particular with regard to the inclusion of new shooting disciplines, prior to commencing shooting according to the amended rules. Notification is to be provided forthwith of any lapse in the regular availability for use of shooting ranges pursuant to sub-section 1, no. 6 or the deployment of alternative shooting ranges.

(3) In individual cases, an association or an affiliated sub-association may permit departures from the shooting disciplines as defined in the approved sporting regulations for the purposes of testing out new shooting practices. Approvals pursuant to sentence 1 shall be limited to a maximum period of validity of one year and must stipulate the manner of deviation from the approved sporting regulations; they shall be notified to the Federal Office of Administration prior to the beginning of the trial phase. In order to avert dangers to public safety or public order, the Federal Office of Administration may refuse approvals pursuant to sentence 1 or issue orders.

(4) Sporting regulations for shooting may permit deviations from their stipulated shooting disciplines for training purposes in the sport of shooting and, in individual cases, for shooting events.

Section 6 **Guns excluded from shooting as a sport**

(1) The following are excluded from shooting as a sport:

1. short firearms with a barrel length of less than 7.72 centimetres (three inches);
2. semi-automatic guns which have the appearance of a fully automatic war firearm as defined in the War Weapons Control Act, where
 - a) the barrel length is less than 42 centimetres,
 - b) the magazine is located behind the trigger unit (so-called bul-pup weapons) or
 - c) the cartridge case length of the employed ammunition is less than 40 millimetres in the case of long firearms;
3. semi-automatic long firearms with a magazine which is able to hold more than ten cartridges.

(2) The ban on shooting with guns and ammunition pursuant to Enclosure 2 (1) of the Weapons Act shall remain unaffected.

(3) Upon application from a recognised shooting organisation, the Federal Office of Administration may permit exemptions from the prohibited guns stipulated in sub-section 1, in particular with regard to guns employed in leading national or international shooting competitions.

(4) The competent authority for assessing guns in accordance with sub-section 1 shall be the Federal Criminal Police Office.

Section 7 **Unlawful shooting practices in shooting as a sport**

(1) Shooting practices involving defence with guns (Section 22) are prohibited in shooting as a sport, as are such shooting practices and competitions in which

1. shooting takes place from cover,
2. obstacles are overcome after firing the first shot,
3. shooting takes place while the marksman is clearly running,
4. swift reactions to suddenly appearing, unexpected targets are required,
 - a) with the exception of shooting at clay pigeons and similar moving inanimate objects,
 - b) except where shooting takes place in accordance with sporting regulations approved by the Federal Office of Administration,
5. the cross-drawing of more than one weapon is required,
6. shots are fired without aiming precisely at the target (shooting in the general direction of the target), with the exception of shooting at clay pigeons, or
7. the marksman is not aware of the procedure for the shooting practice beforehand by reference to previously defined rules.

It is forbidden to carry out the shooting practices stated in sentence 1 and to participate in such practices as a marksman.

(2) The ban on combat-style shooting (Section 15 (6), sentence 2¹⁾ of the Weapons Act) and shooting with prohibited guns or guns excluded from shooting as a sport or parts of such guns (Section 6) shall remain unaffected, save where an exemption is granted pursuant to Section 6 (3).

(3) Theoretical and practical training in shooting for hunting purposes, including hunt shooting competitions, is not restricted by the above provisions.

¹⁾ Following amendment of the Weapons Act in 2009, the current correct reference is Section 15 a (1), sentence 2 of the Weapons Act

Section 8

Consultative committee on shooting issues

(1) A consultative committee on shooting issues (advisory committee) shall be established at the Federal Ministry of the Interior. The committee shall be chaired by a representative of the Federal Minister of the Interior. The meetings of the consultative committee shall be attended by representative of the Federal Office of Administration.

(2) The consultative committee shall consist of the chairman and the following permanent members:

1. one representative of each Land,
2. one representative of the German Olympic Sports Federation,
3. one representative of each recognised shooting association,
4. one representative of the Deutsche Versuchs- und Prüfanstalt für Jagd- und Sportwaffen e. V. (German testing institution for hunting and sporting weapons)

(3) The members of the consultative committee should be well-versed and experienced in the field of shooting as a sport.

(4) The Federal Ministry of the Interior may consult representatives of other federal and Land authorities and other experts, in particular in the field of shooting or technical aspects of weapons. In cases in which the consultative committee is to consider approval of the shooting regulations of a non-recognised shooting association, the Federal Ministry of the Interior shall also invite a member of the association concerned to participate in the corresponding meeting.

(5) The Federal Ministry of the Interior shall appoint

1. the representatives of each Land, including their deputies, on the basis of proposals from the respective Länder;
2. the representatives of the associations and organisations specified in sub-section 2, nos. 2, 3 and 4 after consulting the governing bodies of these associations.

(6) The members of the consultative committee who are not representing an authority shall carry out their activities on an honorary basis.

Part 4

Use of shooting ranges

Section 9

Permissible shooting practices at shooting ranges

(1) In due compliance with the prohibition of combat-style shooting (Section 27 (7), sentence 1 of the Weapons Act), shooting with guns and ammunition on the basis of a licence issued for the shooting range concerned shall only be permissible where

1. the person intending to pursue shooting is able to provide evidence of their entitlement to acquire and own guns and the intended manner of shooting with guns is in keeping with the demonstrated need forming the basis for said entitlement,
2. shooting is carried out

- a) on the basis of approved shooting regulations,
- b) in connection with training courses or shooting practice concerned with the use of guns for defence purposes (Section 22),
- c) in order to obtain the required specialized knowledge (Section 1 (1), no. 3) or
- d) in hunting training, or

3. the guns and ammunition involved to not correspond to the definition in Section 6 (1).

In cases covered by sentence 1, no. 1, no. 2, letter c and no. 3, Section 7 (1) and (3) shall apply *mutatis mutandis*; in the case of shooting pursuant to sentence 1, no. 2, letter a, Section 7 shall remain unaffected. The operator of the shooting range is to monitor compliance with the requirements in accordance with sentences 1 and 2.

(2) The competent authority may grant exemptions to the restrictions of sub-section 1 to the operator of a shooting range or, in individual cases, to the user, provided that such exemptions are not contrary to the interests of public safety and order.

(3) Sub-section 1 shall not apply to authorities or administrative departments and their employees which/who are exempted from application of the Weapons Act in accordance with Section 55 (1) of the Weapons Act or by virtue of a statutory instrument issued in accordance with Section 55 (5) or (6) of the Weapons Act.

Section 10

Supervisors; supervisory care of shooting by children and young people

(1) With due regard to the requirements of safe shooting activities, the holder of a licence for a shooting range (licence holder) is to appoint one or more responsible shooting supervisors, except where he acts as supervisor himself or where a shooting or hunting association or the organizer of an event as specified in Section 22 appoints their own responsible supervisors. The licence holder may act as supervisor himself if he has furnished evidence that he possesses the necessary specialized knowledge and, with regard to the supervisory care of shooting by children and young people, is qualified to work with children and young people. Supervisors must be at least 18 years of age. Shooting activities must not be commenced or continued unless supervised by an adequate number of responsible supervisors. The competent authority may stipulate the number of supervisors required in accordance with sentence 1 to the licence holder.

(2) The licence holder is to notify the competent authority of the responsible supervisor's personal details two weeks prior to him taking up his supervisory responsibilities; where a shooting or hunting association appoints the responsible supervisor, the supervisor himself shall be responsible for notifying the authority.

The notification is to be accompanied by proof that the supervisor possesses the necessary specialized knowledge and, where the supervisory care of shooting by children and young people is concerned, proof that the supervisor is qualified to work with children and young people. The licence holder is to notify the competent authority forthwith, should the registered supervisor withdraw from his post and a new supervisor be appointed.

(3) Where the responsible supervisor is appointed by a shooting club belonging to a recognised shooting association, registration of the supervisor with the association concerned shall suffice in place of notification pursuant to sub-section 2, sentence 1. For the purposes of registration, the association concerned is to verify that the supervisor possesses the necessary specialized knowledge and, where the supervisory care of shooting by children and young people is concerned, that he is qualified to work with children and young people. The club shall issue the supervisor with a corresponding document confirming his competence and qualifications in this respect. The supervisor shall carry this document on his person while performing his supervisory duties and shall hand the document over to authorised persons for inspection on request. For the purposes of verification pursuant to sentence 4, the club shall permit authorised persons to view the supervisor's registration on

request. Sentences 1 to 5 shall apply mutatis mutandis to a supervisor appointed by a hunting association, with the proviso that the supervisor shall carry a valid hunting licence pursuant to Section 15 (1), sentence 1 of the Federal Hunting Act on his person while discharging his supervisory responsibilities.

(4) If justified grounds emerge for the assumption that the responsible supervisor does not possess the necessary reliability, personal aptitude or specialised knowledge or, where the supervisory care of shooting by children and young people is concerned, that the supervisor is not qualified to work with children and young people, the competent authority shall prohibit the licence holder from appointing the supervisor to perform supervisory duties.

(5) The supervisory care of shooting by children and young people shall be carried out by a duly qualified supervisor who is present at the shooting range and who 1. shall bear overall responsibility for shooting practice by children or young people and 2. shall be entitled to issue instructions to the shooting supervisors or to take over supervision of the shooting children or young people himself at any time.

(6) The qualification for working as a supervisor or for working with children and young people can be awarded by the hunting associations or recognised shooting associations; in the case of shooting associations the qualification guidelines form part of the recognition process pursuant to Section 15 of the Weapons Act.

(7) Sub-sections 1 to 6 shall not apply to mobile shooting ranges as stated in Section 27 (6) of the Weapons Act.

Section 11

Supervision

(1) The responsible supervisors are to supervise shooting at the shooting range at all times, ensuring in particular that those present at the shooting range do not cause any avoidable dangers through their behaviour, and are to make sure that the provisions of Section 27 (3) or (6) of the Weapons Act are duly observed. They are to prohibit shooting or to forbid persons from entering and remaining on the shooting range, where this is necessary in order to avoid or to eradicate dangers.

(2) The users of shooting ranges are to follow the orders of the responsible supervisor pursuant to sub-section 1.

(3) A person authorised to perform supervisory duties may carry out shooting without being supervised himself, after verifying that he is alone on the shooting range.

Section 12

Inspection of shooting ranges

(1) Shooting ranges are to be inspected prior to being used for the first time, in order to verify compliance with the given safety requirements. Shooting ranges at which shooting is carried out with guns subject to licence requirements are to be inspected by the competent authority at regular intervals of at least four years. Shooting ranges at which shooting is only permitted with guns which do not require a licence are to be inspected every six years at least. In case of doubt as to whether a shooting range is in the required state or whether the necessary technical facilities are in place for shooting purposes, the competent authority may carry out a safety inspection of the shooting range or require the licence holder to furnish an expert opinion from a recognised assessor of shooting ranges. The attendant costs shall be borne by the licence holder.

(2) If deficiencies which give rise to a concern that users of the shooting range or third parties might be endangered are established in the course of the inspection, the competent authority may prohibit further use of the shooting range until the deficiencies have been eliminated. Further operation or use of the shooting range shall be prohibited in the case of a ban pursuant to sentence 1.

(3) The safety requirements to be imposed on shooting ranges shall be specified in the "Richtlinien für die Errichtung, die Abnahme und das Betreiben von Schießständen (Schießstandrichtlinien)" (*"Guidelines for the construction, approval and operation of shooting ranges (shooting range guidelines)"*). The Federal Ministry of the Interior shall draw

up the shooting range guidelines after consulting representatives from the scientific field, the parties concerned and the supreme Land authorities as rules in line with current safety standards and shall publish these in the Federal Gazette.¹⁾

(4) Recognised assessors of shooting ranges in accordance with sub-section 1 are

1. publicly appointed and sworn experts for the specialist field of the "Safety of non-military shooting ranges" who have received instruction from training bodies on the basis of the shooting range guidelines stated in sub-section 3 in their respectively valid version.

2. persons who have received training as assessors of shooting ranges on the basis of police or military rules and have undergone further training on the basis of the shooting range guidelines stated in sub-section 3 in their respectively valid version.

(5) A person may be appointed as an assessor of shooting ranges after demonstrating that they meet the requirements for appointment in the field of the "Safety of non-military shooting ranges"²⁾ in an examination. Section 16 shall apply mutatis mutandis.

(6) Persons who were trained on the basis of previous shooting range guidelines up to 31 March 2008 and who have undergone regular further training shall also qualify as recognised assessors of shooting ranges. Recognition pursuant to sentence 1 shall cease to apply on 1 January 2013 for persons who have not been appointed for the specialist field of the "Safety of non-military shooting ranges" up to this date.

¹⁾ Until publication pursuant to sub-section 3, sentence 2, the "Richtlinien für die Errichtung, die Abnahme und das Betreiben von Schießständen (Schießstandrichtlinien)" as per January 2000, published by the Deutscher Schützenbund, Wiesbaden, shall define the current safety standards.

²⁾ Published by the Institut für Sachverständigenwesen e. V., Cologne.

Part 5

Safekeeping of weapons and ammunition

Section 13

Safekeeping of weapons or ammunition

(1) No more than ten short firearms (Annex 1, Part 1, Chapter 1, no. 2.6, third clause to the Weapons Act), the acquisition and possession of which is subject to a licence requirement, or ten weapons prohibited in accordance with Enclosure 2, Section 1, nos. 1.1 to 1.2.3 to the Weapons Act may be kept in a secure storage unit corresponding to standard DIN/EN 1143-1, resistance grade 0 (as per May 1997)¹⁾ or to a standard of another Member State of the Convention on the European Economic Area (EEA Member State) providing for the same level of protection or to safety level B in accordance with VDMA 24992²⁾ (as per May 1995); if the weight of the storage unit is below 200 kilogrammes or if the anchorage to ensure the necessary stability is under a comparable weight, the maximum number of storable weapons shall be reduced to five. If the number of weapons exceeds that stated in sentence 1, safekeeping may only take place in a secure storage unit corresponding at least to standard DIN/EN 1143-1, resistance grade I (as per May 1997) or a standard of another EEA Member State providing for the same level of protection, or in a correspondingly larger number of secure storage units.

(2) Where more than ten long firearms (Annex 1, Part 1, Chapter 1, no. 2.6, first and second clause to the Weapons Act), the acquisition and ownership of which are subject to a licence requirement, are to be kept, such safekeeping may only take place in a secure storage unit corresponding at least to the standards stated in sub-section 1, sentence 1, or in a correspondingly larger number of secure storage units pursuant to Section 36 (2), sentence 2 of the Weapons Act.

(3) Ammunition, the acquisition of which is not exempted from the requirement for a licence, may only be kept in an unclassified steel plate container with a pivot bolt lock or an equivalent locking device or in an equivalent container.

- (4) Where long firearms, the acquisition and possession of which are subject to a licence requirement, are kept in a secure storage unit corresponding to safety level A in accordance with VDMA 24992 (as per May 1995), for the storage of up to five short firearms, the acquisition and possession of which is subject to a licence requirement, and for the ammunition for the long and short firearms, it shall be sufficient if storage takes place in an interior compartment corresponding to the safety requirements pursuant to sub-section 1, sentence 1; in this case, the short firearms and the ammunition may be kept together in the interior compartment. In the case of the storage of guns in a secure storage unit corresponding to safety level A or B in accordance with VDMA 24992, it shall be sufficient if the appurtenant ammunition is kept in an unclassified steel plate interior compartment with a pivot bolt lock or an equivalent locking device; ammunition which does not belong to the weapons kept in the said storage unit may be kept together with the said weapons.
- (5) The competent authority may permit a different means of storage corresponding to the same standard. In particular, the requirement for secure storage units pursuant to Section 36 (1) and (2) of the Weapons Act or in accordance with sub-sections 1 to 3 may be waived, if the weapons and ammunition are kept in a state-of-the-art arms room.
- (6) Only three long firearms, the acquisition and possession of which are subject to a licence requirement, may be kept in a building which is not permanently inhabited. Storage may only take place in a secure storage unit corresponding at least to standard DIN/EN 1143-1, resistance grade I. On application, the competent authority may permit deviations with regard to the type or number of stored weapons or the secure storage unit.
- (7) On application, the competent authority may deviate from the stipulations contained in sub-sections 1 to 6 in connection with a weapons or ammunition collection, according due consideration to the type and number of weapons or ammunition and the level of danger it constitutes to public safety and order, in particular with regard to the visibility of such weapons or ammunition for exhibition purposes, thereby defining less stringent or more stringent requirements for safekeeping; in case of collections of weapons whose models were developed prior to 1 January 1871 and ammunition collections, the competent authority should impose less stringent requirements. The corresponding application shall be accompanied by a specification of the safekeeping concept.
- (8) On application, the competent authority may waive the requirements pertaining to the secure storage unit pursuant to Section 36 (1) and (2) of the Weapons Act or in accordance with sub-sections 1 to 3 or to a weapons room pursuant to sub-section 5, sentence 2, where compliance with such requirements would involve particular hardship in view of the type and number of weapons and ammunition and the level of danger which they constitute to public safety and order. In this case, the competent authority is to impose the lower standard of requirements.
- (9) In case of reasonable doubts that standards of other EEA member states are equivalent to the standards cited in Section 36 (1) and (2) of the Weapons Act or in sub-sections 1 to 4 with regard to the level of protection, the competent authority may require the party requiring the appurtenant licence to submit an opinion, in particular from the Deutsches Institut für Normung (German Institute for Standardization).
- (10) The communal safekeeping of weapons or ammunition by authorised persons who share a home is permissible.
- (11) In the case of the temporary storage of weapons pursuant to sub-section 1, sentence 1 or sub-section 2 or of ammunition outside of the home, in particular in connection with hunting or shooting as a sport, the party requiring the appurtenant licence is to store the weapons or ammunition under adequate supervision or to take any other necessary precautions to ensure that they are not mislaid and do not fall into the hands of unauthorised persons, where storage in accordance with the requirements specified in sub-sections 1 to 8 is not possible.

¹⁾ Published by Beuth-Verlag GmbH, Berlin and Cologne

²⁾ Verband Deutscher Maschinen- und Anlagenbau e. V.

Section 14

Safekeeping of weapons and ammunition at shooting club houses, at shooting ranges or at commercial undertakings

On application from an operator of a shooting club house, a shooting range or a commercial undertaking dealing in guns, the competent authority may permit deviations from the requirements of Section 13 (1) to (5) and (6), sentence 1 and 2, provided that it is furnished with a suitable safekeeping concept. In reaching its decision the competent authority is to accord due consideration to the form of safekeeping, the quantity of weapons or ammunition and the extent of the danger which these constitute to public safety and order and, in particular, is to consider the location and the extent to which it is frequented.

Part 6

Regulations for the arms trade

Chapter 1

Specialized knowledge

Section 15

Scope of specialized knowledge

(1) The specialized knowledge which is to be verified in the examination pursuant to Section 22 (1), sentence 1 of the Weapons Act shall comprise adequate knowledge

1. of the regulations applying to the guns and ammunition trade, the acquisition and carrying of guns and the essential aspects of other statutory weapons and proof testing regulations,
2. of the types, design and handling of guns in common use, if a licence application has been submitted for trading with guns, and
3. of the handling of the ammunition in common use and its manner of use in the appurtenant guns, if a licence application has been submitted for trading with ammunition.

(2) In the examination pursuant to sub-section 1, the applicant is to provide evidence of an adequate knowledge of

1. all types of guns and ammunition, if a comprehensive weapon dealer's licence has been applied for,
2. the types of weapons or ammunition specified in the Annex for which a trading licence application has been submitted.

Section 16

Examination

(1) The competent authority shall establish state examination committees for the purposes of the examination. Management functions may be assigned to the local chambers of industry and commerce. Joint examination committees may be established for the districts covered by several authorities.

(2) The examination committee shall comprise the chairman and two assessors. The members of the examination committee must be duly knowledgeable in the subject matter covered by the examination. The chairman must not be involved in the trading of weapons. Assessors should be appointed in the form of an independent arms dealer and an employee in the arms trade or, if no such person is available, a person employed in the manufacture of weapons.

(3) The examination is to be sat orally.

(4) Section 2 (3), sentence 2 and Sections (4) and (5) shall apply mutatis mutandis with regard to the issuance of a certificate, the drawing-up of a record of the examination and repetition of the examination.

Chapter 2

Weapon manufacturers' and weapon dealers' logs

Section 17

Principles of the duty to keep logs

- (1) The weapon manufacturer's log and the weapon dealer's log are to be kept in bound form or as card files or with the aid of electronic data processing at the enterprise or in that part of the enterprise in which guns are manufactured or distributed and duly safeguarded to ensure that they are not mislaid, that no data are lost and that they are not accessed by unauthorised persons.
- (2) Where the log is kept in bound form, the pages are to be given serial numbers; the number of pages is to be stated on the cover. Where the log is kept in the form of a card file, the cards are to be submitted to the competent authority for stamping and confirmation of the total number of cards.
- (3) All entries in the log shall be effected forthwith, in permanent form and in the German language; Section 239 (3) of the German Commercial Code shall apply accordingly. Where no entry is possible, this is to be indicated, stating the reasons.
- (4) On 31 December every other year, in case of a change of proprietor or in case of the cessation of business operations, the logs shall be closed by appending the date and a signature such that no subsequent entries can be carried out. The stock in hand on closure of the logs shall be carried forward before new entries are undertaken. A log which is no longer in use shall be closed, stating the date of closure.
- (5) On request from the competent authority, the logs together with the appurtenant receipts shall also be presented at the authority's offices or to the authority's representatives.
- (6) The person who is obliged to keep a log is to keep the log with the appurtenant receipts at the enterprise or in that part of the enterprise in which guns are manufactured or distributed for a period of ten years beginning on the date of the final entry. If he no longer wishes to keep the log after expiry of the period stated in sentence 1, he is to hand it over to the competent authority for safekeeping. Upon the party obliged to keep the log giving up his business enterprise, he is to hand the log over to his successor or to the competent authority for safekeeping.

Section 18

Keeping of logs in bound form

- (1) The weapon manufacturer's log in bound form shall be kept according to the following specification:
- | Left-hand side. | Right-hand side: |
|-------------------------------|---|
| 1. Serial number of the entry | 4. Date of disposal or of knowledge of loss |
| 2. Date of completion | 5. Name and address of recipient or form of loss |
| 3. Production number | 6. Where the gun is not acquired by a new owner pursuant to Section 21 (1) of the Weapons Act, specification of the entitlement to acquire the gun, stating the issuing authority and the date of issue |
| | 7. Where the gun is handed over or consigned to a party acquiring it in accordance with Section 34 (5), sentence 1 of the Weapons Act, reference and date of confirmation of the appurtenant notification |

A separate sheet is to be kept for each type of weapon, stating the type of weapon and the name, the company or the brand as specified on the weapons.

(2) The weapon dealer's log in bound form shall be kept according to the following specification:

Left-hand side.

1. Serial number of the entry

2. Date of receipt

3. Type of weapon

4. Name, company or brand as specified on the weapon

5. Production number

6. Name and address of party supplying the weapon

Right-hand side:

7. Date of disposal or of knowledge of loss

8. Name and address of recipient or form of loss

9. Where the gun is not acquired by a new owner pursuant to Section 21 (1) of the Weapons Act, specification of the entitlement to acquire the gun, stating the issuing authority and the date of issue

10. Where the gun is handed over or consigned to a party acquiring it in accordance with Section 34 (5), sentence 1 of the Weapons Act, reference and date of confirmation of the appurtenant notification by the Federal Criminal Police Office.

(3) The entries pursuant to sub-sections 1 and 2 shall be effected separately for each weapon. A weapon shall be deemed to have been completed within the meaning of sub-section 1, sentence 1, no. 2,

1. as soon as it has been tested pursuant to Section 3 of the Proof Testing Act,

2. where the weapon is not subject to official proof testing, as soon as it is kept in stock for the purpose of selling.

(4) The requirement to enter the name and address of the supplying party pursuant to sub-section 2, no. 6 may be waived in the case of guns whose model was developed prior to 1 January 1871,

1. with firing via firing pin,

2. with firing via detonating cap (percussion weapons), provided that the guns concerned are single-shot weapons,

3. with match cord or spark firing.

Section 19

Keeping of weapon logs in the form of card files

(1) Where the weapon manufacturer's log or the weapon dealer's log are kept in the form of card files, the entries for several weapons of the same type (weapon items) in accordance with sub-section 2 or 3 may be grouped together. Only one weapon item may be entered on a card in accordance with sub-section 2, no. 1 or sub-section 3, no. 1. New items may only be entered on the same card when the entered weapon item has been fully removed from the card. Disposals are to be entered separately with the information pursuant to sub-section 2, no. 2 or sub-section 3, no. 2. A separate sheet is to be kept for each type of weapon, stating the type of weapon and the name, the company or the brand as specified on the weapon.

(2) The weapon manufacturer's log shall be kept according to the following specification:

1. Entries concerning completion:
 - a) Date of completion
 - b) Quantity
 - c) Production numbers
2. Entries concerning disposals:
 - a) Serial number of the entry
 - b) Date of disposal or of knowledge of loss
 - c) Quantity
 - d) Production numbers
 - e) Name and address of recipient or form of loss
 - f) Where the gun is not acquired by a new owner corresponding to Section 21 (1) of the Weapons Act, specification of the entitlement to acquire the gun, stating the issuing authority and the date of issue
 - g) Where the gun is handed over or consigned to a party acquiring it in accordance with Section 34 (5), sentence 1 of the Weapons Act, reference and date of confirmation of the appurtenant notification by the Federal Criminal Police Office.

(3) The weapon dealer's log shall be kept according to the following specification:

1. Entries concerning receipt:
 - a) Date of receipt
 - b) Quantity
 - c) Production numbers
 - d) Name and address of party supplying the weapon
2. Entries concerning disposals:
 - a) Serial number of the entry
 - b) Date of disposal or of knowledge of loss
 - c) Quantity
 - d) Production numbers
 - e) Name and address of recipient or form of loss
 - f) Where the gun is not acquired by a new owner corresponding to Section 21 (1) of the Weapons Act, specification of the entitlement to acquire the gun, stating the issuing authority and the date of issue
 - g) Where the gun is handed over or consigned to a party acquiring it in accordance with Section 34 (5), sentence 1 of the Weapons Act, reference and date of confirmation of the appurtenant notification by the Federal Criminal Police Office.

(4) The requirement to enter the name and address of the supplying party pursuant to sub-section 3, no. 1, letter d may be waived in the case of guns whose model was developed prior to 1 January 1871,

1. with firing via firing pin,
2. with firing via detonating cap (percussion weapons), provided that the guns concerned are single-shot weapons,
3. with match cord or spark firing.

(5) Section 17 (3), (5) and (6) shall be applied mutatis mutandis to the entries on the file cards and to presentation and safekeeping of the file cards and the appurtenant receipts.

Section 20

Keeping of logs in electronic form

(1) Where the weapon manufacturer's log or the weapon dealer's log is kept in electronic form, the stored data records (activities subject to statutory recording requirement) must contain the information required in accordance with Section 19. The data records shall be saved forthwith; they shall be numbered consecutively. The provisions of the Federal Data Protection Act shall be observed.

(2) The stored data records shall be printed out in plain text at the end of each month. The print-out shall take the form of a file card pursuant to Section 19. The name of the supplying party, the acquiring party and the entitlement to acquire the items concerned may also be printed out in encrypted form. In this case, an index enabling direct decryption of the designated data shall be attached to the print-out. Stocks in hand shall be carried forward to the next month.

(3) Section 17 (3), (5) and (6) shall be applied mutatis mutandis to the entries on the file cards and to presentation and safekeeping of the file cards and the appurtenant receipts. On request from the competent authority, the print-out of the data records stored after the end of the previous month is also to be presented at the authority's offices or to the authority's representatives.

(4) The competent authority may permit exemptions from sub-section 2, sentence 1 and 5, if the total inventory of weapons is printed out in plain text at the beginning of each year and additions and disposals are printed out in plain text on a monthly basis and if it is ensured that the data stored throughout the year can be printed out in plain text at any time on request from the competent authority.

Chapter 3

Marking of weapons

Section 21

Marking of guns

(1) Where the marking in accordance with Section 24 (1), sentence 1, no. 1 of the Weapons Act is applied to several essential components, the information must refer to the same manufacturer or dealer.

(2) In the case of guns with smoothbore barrels, the barrel diameter, which is measured 23 centimetres +/- 1 centimetre from the breech face, and the chamber length are to be applied to each smooth barrel. Guns whose barrel or drum can be replaced without the use of tools are to be marked on the breech block in accordance with Section 24 (1), sentence 1, nos. 1 and 3 of the Weapons Act. Information on the manufacturer and the designation of the ammunition (Section 24 (1), sentence 1, nos. 1 and 2 of the Weapons Act) is to be applied to the barrel and the drum.

(3) Anyone who modifies a gun in connection with commercial activities or who replaces essential components of a gun pursuant to Annex 1, Part 1, Chapter 1, no. 1.3 to the Weapons Act in connection with commercial activities, thereby removing the information on the manufacturer (Section 24 (1), sentence 1, no. 1 of the Weapons Act) shall apply his

name, the name of his company or his brand to the gun. The gun and the exchanged components must not bear any markings referring to different manufacturers or dealers.

(4) Anyone who, in connection with commercial activities,

1. shortens guns such that they are no more than 60 centimetres in length,
2. alters guns' rate of fire,
3. converts guns which shoot projectiles with a kinetic energy of no more than 7.5 joule into guns which shoot projectiles with a higher kinetic energy,
4. converts guns which shoot projectiles with a kinetic energy of more than 7.5 joule into guns which shoot projectiles with a lower kinetic energy,
5. converts guns which shoot projectiles with a kinetic energy of less than 0.08 joule into guns which shoot projectiles with a higher kinetic energy or
6. modifies guns into weapons pursuant to Annex 2, Part 2, Chapter 2, no. 1.5 of the Weapons Act or into objects pursuant to Enclosure 1, Section 1, Sub-section 1, no. 1.4 to the Weapons Act

shall permanently apply their name, their company name or their brand to the gun, irrespective of whether they remove the information on the manufacturer (Section 24 (1), sentence 1, no. 1 of the Weapons Act). Where the modifications pursuant to sentence 1, nos. 1 to 3 or 5 result in projectiles with a kinetic energy of more than 7.5 joule, the production number (Section 24, (1), sentence 1, no. 3 of the Weapons Act) shall also be applied to the gun and the marking pursuant to Section 24 (2) of the Weapons Act shall be removed. The letter "U" shall be permanently applied next to the marking which is applied as a result of the modification.

Part 7

Training in the use of guns for defence purposes

Section 22

Courses and shooting exercises

(1) In due compliance with the prohibition of combat-style shooting (Section 27 (7), sentence 1 of the Weapons Act), shooting practices and, in particular, the use of obstacles and practice installations which go beyond the purpose of self-defence or the defence of third parties to lend exercises the character of police or military operations shall not be permitted on courses to train persons in the use of guns for defence purposes. It is permitted to use targets which represent or symbolise persons. It is forbidden to carry out the shooting exercises stated in sentence 1 and to participate in such exercises as a marksman.

(2) Anyone intending to hold training courses in defence with guns or shooting exercises of this type is to provide the competent authority with written notification two weeks in advance of the intended activity and the venue at which the event is to take place. On request from the competent authority a course curriculum or exercise programme shall be submitted to the competent authority, specifying the knowledge to be imparted and the type of intended shooting exercises. The competent authority is also to be notified of the completion of the courses or shooting exercises within two weeks. The operator of the shooting range may only permit events of the stated type to be carried out where the organizer has provided him with written confirmation that the required notification pursuant to sentence 1 has been submitted.

(3) In the notification regarding institution of the courses or shooting exercises, the organizer is to provide the personal details of the adult responsible supervisor and the instructors. Section 10 (2), sentence 2 shall apply mutatis mutandis. The organizer is also to notify the competent authority forthwith of the subsequent termination of such courses or exercises or retirement of the specified persons from the courses.

(4) Section 10 (1) shall apply accordingly to the organizer's duty to appoint a responsible supervisor and instructors.

Section 23

Eligibility for courses

(1) Participation in courses or shooting exercises pursuant to Section 22 shall be permissible only for persons

1. who are entitled to carry a gun by virtue of a weapons licence or a certificate pursuant to Section 55 (2) of the Weapons Act or
2. who have been issued with a certificate by their employer pursuant to Section 55 (1) of the Weapons Act confirming that they are authorised to carry a gun on duty or who have been issued with a certificate pursuant to sub-section 2 by the competent authority.

The responsible supervisor is to verify that the requirements stipulated in sentence 1 are met before shooting activities are commenced.

(2) The competent authority may permit holders of a weapon owner's licence made out for short firearms and holders of a hunting licence who are at personal risk within the meaning of Section 19 of the Weapons Act to participate in courses or shooting exercises of the type stated in Section 22.

Section 24

Lists

(1) The organizer is to keep a list detailing the responsible supervisor, the instructors and the participants pursuant to sub-section 2.

(2) The list must contain the following information on the persons stated in sub-section 1:

1. First name and surname, date and place of birth, place of residence and address;
2. number, date of issue and authority issuing the weapons licence, the certificate pursuant to Section 55 (2) of the Weapons Act, the certificate issued by the employer pursuant to Section 23 (1), sentence 1, no. 2 or the exceptional licence pursuant to Section 23 (2);
3. the period (month and year) in which they have acted as supervisors or instructors or have taken part in an event.

(3) On request from the competent authority, the organizer shall also present the list at the authority's offices or to the authority's representatives.

(4) The organizer is to place the list in safekeeping for a period of five years beginning on the date of the last entry. Upon the organizer ceasing to carry out shooting practice for defence purposes, he is to hand the list over to his successor or to the competent authority for safekeeping.

Section 25

Prohibition of courses or parts thereof; dismissal of supervisors or instructors

(1) The competent authority may prohibit events within the meaning of Section 22 if there are justifiable grounds to assume that the organizer, the responsible supervisor or an instructor does not possess or no longer possesses the necessary reliability, personal aptitude or specialized knowledge. Where justified grounds arise for the assumption that facts pursuant to sentence 1 apply with regard to a responsible supervisor or to an instructor, the competent authority is to require the organizer to dismiss the person concerned.

(2) On request from the competent authority, the organizer is to suspend individual courses or shooting exercises. The authority may require such suspension if the organizer

1. has not appointed a responsible supervisor or the necessary number of instructors with due regard to the requirements of safe shooting activities or
2. fails to meet the authority's requirement for a responsible supervisor or an instructor to be dismissed on account of a lack of reliability, personal aptitude or specialized knowledge.

Part 8

Provisions relating to the European Union and third countries

Chapter 1

Application of the Act to citizens of the European Union

Section 26

General provisions

- (1) Section 21 (4), no. 1 of the Weapons Act shall not be applicable to nationals of a Member State of the European Union (Member State).
- (2) Section 21 (4), no. 2 of the Weapons Act shall not be applicable to nationals of a Member State who are ordinarily resident in another Member State, where the licence is restricted to
1. seeking orders for weapons or ammunition from holders of a weapon manufacturer's licence or of a weapon dealer's licence and arranging for such persons to acquire, distribute or take possession of such items and
 2. the possession only of such weapons or ammunition are carried as samples, specimens or parts of a collection.
- (3) Sub-section 2 shall apply accordingly to companies which are established according to the legal provisions of a Member State and which have their registered office, their headquarters or their head office within the European Union. Where such companies have only their registered office, but neither their headquarters nor their head office within the European Union, sentence 1 shall apply only where an actual and lasting connection exists between their activities and the economy of a Member State.
- (4) The provisions of sub-sections 1 to 3 to the benefit of nationals of a Member State shall not be applicable where such non-applicability is necessary in order to eradicate a breach of the peace or to avert an impending threat to public safety and order in individual cases.
- (5) Section 4 (2) of the Weapons Act shall not be applicable to nationals of a Member State where they are ordinarily resident within the territory covered by the Weapons Act and pursue an activity as an employee or in self-employment which requires them to acquire, possess or carry a weapon or ammunition.

Section 27

Special provisions pertaining to specialized knowledge

- (1) Specialized knowledge for the trade in weapons within the meaning of Section 22 of the Weapons Act shall be deemed to be proven for a national of a Member State if they have been involved in trade in weapons and ammunition in another Member State as follows:
1. continuously for three years in a self-employed or executive capacity,
 2. continuously for two years in a self-employed or executive capacity, if they are able to furnish evidence of previous training for the activity concerned which is confirmed by way of a state-recognised certificate or which is recognised as fully adequate by a competent professional institution,
 3. continuously for two years in a self-employed or executive capacity and also for three years in a non-self-employed capacity or
 4. continuously for three years in a non-self-employed capacity, if they are able to furnish evidence of previous training for the occupation concerned which is confirmed by

way of a state-recognised certificate or which is recognised as fully adequate by a competent professional institution.

(2) In the cases stated in sub-section 1, nos. 1 and 3 the activity in a self-employed or executive capacity must not have ended more than ten years prior to the date on which the licence application is filed.

(3) Adequate proof shall also be deemed to apply where the three years of activity by the applicant pursuant to sub-section 1, no. 1 was not continuous, provided that the activity was not ended more than two years prior to the date on which the application is filed.

(4) An activity in an executive capacity within the meaning of sub-section 1 is deemed to have been pursued by a person who has been employed in the relevant occupation at an industrial or commercial undertaking

1. as the manager of the undertaking or of a branch office,
2. as deputy to the undertaking's owner or manager, if this position is accompanied by a scope of responsibility corresponding to that of the deputised owner or manager, or
3. in an executive capacity with commercial functions and with responsibility for at least one department at the undertaking concerned.

(5) The applicant shall furnish proof that the conditions stipulated in sub-sections 1 to 4 are met by way of a certificate issued by the competent authority in the country of origin.

Chapter 2

Acquisition of weapons and ammunition in other Member States; transfer and conveyance

Section 28

Licences for the acquisition of weapons and ammunition in another Member State

A licence pursuant to Section 11 (2) of the Weapons Act shall be issued in the form of a licence certificate by the competent authority. For the purposes of issuance, the applicant is to provide the following information:

1. Personal details:

First name and surname, date and place of birth, addresses, number, date of issue of passport or identity card and issuing authority;

2. Information on the weapon:

in case of guns, quantity, type, calibre and categories pursuant to Enclosure 1, Part 3 to the Weapons Act and, where appropriate, CIP proof markings; in case of other weapons, quantity and type of weapons;

3. Information on the ammunition:

quantity, type, calibre and, where appropriate, CIP proof markings.

Section 29

Licences to transfer weapons and ammunition

(1) A licence or consent pursuant to Sections 29 to 31 of the Weapons Act is issued by way of a licence certificate from the competent authority.

(2) For issuance of a licence pursuant to Section 29 (2) and Section 30 (1), sentence 2 of the Weapons Act, the applicant is to provide the following information:

1. on the identity of the party handing over the weapons or ammunition, the party acquiring said items or the person transferring said items to another Member State without any change of ownership: first name and surname, date and place of birth, place

of residence and address, - in case of companies, telephone or telefax number -, number and date of issue of passport or identity card and issuing authority, specification as to whether the applicant is an arms dealer or a private individual;

2. on the weapons:

in case of guns, quantity and type of weapons, category in accordance with Enclosure 1, Part 3 to the Weapons Act, company name or registered trademark of the manufacturer, model designation, calibre, production number and, where appropriate, CIP proof markings; in case of other weapons, quantity and type of weapons;

3. on the ammunition:

quantity and type of ammunition, category in accordance with Council directive 93/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses (Official EC Journal no. L 121, p. 20), company name or registered trademark of the manufacturer, calibre and, where appropriate CIP ammunition proof markings;

4. on the delivery address:

precise specification of the address to which the weapons or ammunition are to be dispatched or transported.

The information pursuant to sentence 1 is also required for issuance of a permit for transfer from a third country pursuant to Section 29 (1) or Section 30 (1), sentence 1 of the Weapons Act; in these cases, the licence must contain all the items of information stated in sentence 1.

(3) Where commercial weapons manufacturers or weapons dealers (Section 21 of the Weapons Act) are issued with a temporary licence pursuant to Section 29 (2) of the Weapons Act for the general transfer of weapons and ammunition from a commercial weapons manufacturer or weapons dealer who holds a general licence from the other Member State for the transfer of weapons and ammunition pursuant to Article 11 (3) of 18 June 1991 on control of the acquisition and possession of weapons (Official EU Journal no. L 256, p. 51), the requirement for specification of the calibre and the production number may be waived in the case of guns. The requirement to furnish the information stated in sentence 1 may also be waived for the purposes of issuance of a licence for transfer from a third country between commercial weapons manufacturers or weapons dealers pursuant to Section 29 (1) or Section 30 (1) of the Weapons Act, if plausible grounds for the omission of such information are provided. In the case of sentence 2, the stated items of information must be furnished to the competent supervisory authority pursuant to Section 33 (3) of the Weapons Act when effecting transfer.

(4) For the purposes of issuance of a licence pursuant to Section 31 (1) of the Weapons Act, in addition to the information stated in sub-section 2, sentence 1 with regard to dispatch of the weapons or ammunition the applicant is also to specify the means of transportation, the date of dispatch and the expected date of arrival.

(5) For the purposes of issuance of a licence pursuant to Section 31 (2) of the Weapons Act, the applicant is to provide information on the name and address of the company, telephone or telefax number, first name, surname, place and date of birth of the holder of the licence pursuant to Section 21 (1) of the Weapons Act, the recipient Member State and the type of weapons and ammunition. In the case of the transportation of guns or ammunition within the European Union to a weapons dealer in another Member State by or on behalf of the holder of the licence pursuant to Section 31 (2) of the Weapons Act, in place of the licence pursuant to sub-section 1 it shall also be permissible to carry a confirmation referring to said licence. Said confirmation must be on the official form provided for this purpose and must include the following information:

1. the name of the Member State from which the items concerned are to be dispatched, the name of the recipient Member State, the transit countries, the means of transportation and the carrier;
2. regarding the sender: the party obliged to furnish the corresponding declaration and the consignee: name and address of the company, telephone or telefax number;
3. regarding the licence pursuant to Section 31 (2) of the Weapons Act:
date of issue and number, issuing authority and duration of validity;
4. regarding the prior consent of the other Member State or the waiving of prior consent:
date of issue and issuing authority, specification of weapons concerned; a duplicate of the prior consent or exemption is to be attached to the declaration;
5. regarding the weapons:
in case of guns, quantity and type of weapons, category in accordance with Enclosure 1, Part 3 to the Weapons Act, company name or registered trademark of the manufacturer, model designation, calibre, production number and, where appropriate, CIP proof markings; in case of other weapons, quantity and type of weapons;
6. regarding the ammunition:
quantity and type of ammunition, category in accordance with Council directive 93/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses (Official EC Journal no. L 121, p. 20), company name or registered trademark of the manufacturer, calibre and, where appropriate CIP ammunition proof markings;
7. regarding the delivery address:
precise specification of the address to which the weapons or ammunition are to be dispatched or transported.

Section 30

Licences for the conveyance of weapons and ammunition to or through Germany

(1) A licence pursuant to Section 32 (1), sentence 1 of the Weapons Act shall be issued by way of a licence certificate from the competent authority. For the purposes of issuance of the licence pursuant to sentence 1, the applicant is to provide the following information:

1. Personal details:
First name and surname, date and place of birth, place of residence and addresses - in case of companies also telephone or telefax number -, number date of issue of passport or identity card and issuing authority;
2. on the weapons:
in case of guns, quantity and type of weapons, category in accordance with Enclosure 1, Part 3 to the Weapons Act, company name or registered trademark of the manufacturer, model designation, calibre, production number and, where appropriate, CIP proof markings; in case of other weapons, quantity and type of weapons;
3. on the ammunition:
quantity and type of ammunition, category in accordance with Council directive 93/15/EEC of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses (Official EC Journal no. L 121,

p. 20), company name or registered trademark of the manufacturer, calibre and, where appropriate CIP ammunition proof markings;

4. on the grounds for conveying the weapons or ammunition:

precise specification of the location to which the weapons or the ammunition are to be conveyed and the purpose of such conveyance.

The licence for the conveyance of weapons or ammunition from a third country must contain all the information stated in sentence 2.

(2) For the purposes of issuance of a licence pursuant to Section 32 (1), sentence 1 of the Weapons Act, proof of the necessary specialized knowledge may also be deemed to have been furnished where an adequate knowledge of the required content is plausibly substantiated by a document from the country in which the person concerned is ordinarily resident.

(3) For the purposes of issuance of a licence pursuant to Section 32 (4) of the Weapons Act, the competent authority may waive the requirement for individual items of information as specified in sub-section 1, sentence 2, nos. 2 and 3, should it not be possible to provide such information in good time. The information concerned shall subsequently be submitted promptly to the competent authority and shall be notified to the competent supervisory authority pursuant to Section 33 (3) of the Weapons Act upon entering the territory of said authority.

(4) In special cases, the competent authority may permit several persons to submit a joint application for a licence pursuant to Section 32 (4) of the Weapons Act, using the official form provided for this purpose. In the case of sentence 1, the information pursuant to sub-section 1, sentence 2, nos. 1 and 4 shall be provided in full by the applicants, while the information pursuant to sub-section 1, sentence 2, nos. 2 and 3 shall be provided except where the authority has waived the requirement for such information.

Section 31 Notifications

(1) Notification of the Federal Criminal Police Office pursuant to Section 31 (2), sentence 3 of the Weapons Act shall be provided using the official form provided for this purpose in duplicate. The notification must contain the information specified in Section 29 (5), sentence 3. The Federal Criminal Police Office shall confirm receipt of the duplicate to the notifying party.

(2) Notification of the Federal Criminal Police Office pursuant to Section 34 (4), first clause of the Weapons Law shall be carried out using the official form provided for this purpose and must include the following information:

1. regarding the party handing over the weapons or ammunition:

first name and surname or company name, place of residence or company address, in case of companies telephone or telefax number also, date of hand-over;

2. regarding the party acquiring the weapons or ammunition:

First name and surname, date and place of birth, addresses in Member States, number, date of issue of passport or identity card and issuing authority;

3. regarding the weapons or ammunition:

the information pursuant to Section 29 (2), sentence 1, nos. 2 and 3.

(3) Notification of the Federal Criminal Police Office pursuant to Section 34 (5), sentence 1 of the Weapons Act shall be provided using the official form provided for this purpose in duplicate and must include the following information:

1. regarding the party acquiring the gun or the party conveying a gun to another Member State in which it is to remain:

first name and surname, date and place of birth, place of residence and address, occupation, number and date of issue of passport or identity card and issuing authority, number and date of issue of entitlement to acquire the weapon and issuing authority;

2. regarding the gun:

type of weapon, name, company name or registered trademark of the manufacturer, model designation, calibre and production number;

3. regarding the sender:

name and address of the sender as stated on the package.

In the case of acquisition by commercial undertakings, the information pursuant to sentence 1, no. 1 on the proprietor of the undertaking shall be furnished, while in the case of legal entities the information on a person authorised to represent the undertaking shall be furnished and their passport or identity card shall be presented. In the case of ongoing business dealings it shall not be necessary to present the passport or the identity card again, unless the proprietor of the undertaking has changed or, in the case of legal entities, a different person has been appointed to represent the company. Where the gun or the ammunition has been handed over to a person who intends to acquire it outside of the area of application of the Weapons Act, in particular by way of receipt by post or via a forwarding agent, the information regarding the entitlement to acquire the gun or ammunition pursuant to sentence 1, no. 1 shall not be necessary and instead of the passport or the identity card an officially certified copy of the same shall suffice. The Federal Criminal Police Office shall confirm receipt of the duplicate to the notifying party.

Section 32

Notifications by the authorities

(1) The competent authority shall forward the information pursuant to Section 29 (4) to the Federal Criminal Police Office by way of a duplicate of the licence.

(2) The Federal Criminal Police Office

1. shall forward the information pursuant to Section 31 (1), sentence 2 and (2) and the information received in accordance with sub-section 1 to the other Member State;

2. shall forward to the competent authority the information received from other Member States in the cases covered by Section 29 (1) and Section 30 (1) of the Weapons Act and the information received from other Member States on the hand-over of weapons pursuant to Enclosure 1, Part 3, nos. 1 to 3 (categories A 1.2 to C) to the Weapons Act or of ammunition to persons and on the possession of such weapons or ammunition by persons who are ordinarily resident in the area of application of the Weapons Act;

3. shall forward to the competent authority the notifications received from other states party to the Convention of 28 June 1978 on the Control of the Acquisition and Possession of Firearms by Individuals (Federal Law Gazette 1980 II, p. 953) regarding the conveyance or hand-over of firearms specified in Section 34 (5), sentence 1 of the Weapons Act;

4. should notify the competent central authority of the acquiring party's native country or country of origin in the case of the acquisition of guns and ammunition by persons specified in Section 34 (5), sentence 1 of the Weapons Act, provided that reciprocity is ensured; the notification should contain the information pursuant to Section 31 (3), sentence 1, nos. 1 and 2.

(3) The competent supervisory authorities pursuant to Section 33 (3) of the Weapons Act shall forward the information furnished in accordance with Section 29 (3), sentence 3 and in accordance with Section 30 (3), sentence 2 to the competent authorities.

Section 33

European firearms pass

(1) The European firearms pass pursuant to Section 32 (6) of the Weapons Act is valid for a period of five years; where only single-shot long weapons with a smoothbore barrel or with smoothbore barrels are entered in the pass for hunters or marksmen, the period of validity shall be ten years. The period of validity may be extended by two periods of five years respectively. Section 9 (1) and (2) and Section 37 (2) of the Weapons Act shall apply mutatis mutandis.

(2) The applicant is to provide the information pursuant to Section 30 (1), sentence 2, nos. 1 to 3. He is to submit a recent photograph measuring at least 45 millimetres x 35 millimetres in portrait format without a border. The photograph must include a depiction of the face measuring at least 20 millimetres in size and must render the applicant clearly recognisable. The background must be lighter than the depiction of the face.

Part 9

Administrative offences and final provisions

Section 34

Administrative offences

Anyone who wilfully or negligently

1. carries out or participates in a shooting exercises in contravention of Section 7 (1), sentence 2 or Section 22 (1), sentence 3,
2. shoots on a shooting range in contravention of Section 9 (1), sentence 1,
3. fails to monitor compliance with the requirements stipulated in Section 9 (1), sentence 3 in contravention thereof,
4. commences or continues shooting activities in contravention of Section 10 (1), sentence 4,
5. fails to provide notification or provides incorrect or incomplete notification or fails to provide notification in the stipulated manner or in good time in contravention of Section 10 (2), sentence 1 or 3 or Section 22 (2), sub-section 1 or 3 or Section 3, sentence 3,
6. fails to carry the document specified in Section 10 (3), sentence 4 or fails to hand over said document in good time in contravention thereof,
7. does not permit viewing of the registration or fails to do so in good time in contravention of Section 10 (3), sentence 5,
8. fails to supervise shooting in contravention of Section 11 (1), sentence 1,
9. fails to prohibit persons from shooting or from entering and remaining on the shooting range in contravention of Section 11 (1), sentence 2,
10. fails to follow an order in contravention of Section 11 (2),
11. operates or uses a shooting range in contravention of Section 12 (2), sentence 2,
12. keeps weapons or ammunition in contravention of Section 13 (1), (2), (3) or (6), sentence 1 or 2,
13. fails to submit the log, a file card or the list or fails to do so in good time in contravention of Section 17 (5), also in conjunction with Section 19 (5) or Section 20 (3), sentence 1 or Section 24 (3),

14. fails to keep the log or a file card or fails to do so for at least ten years in contravention of Section 17 (6), sentence 1, also in conjunction with Section 19 (5) or Section 20 (3), sentence 1,
 15. fails to hand over the log or a file card or fails to do so in good time in contravention of Section 17 (6), sentence 2, also in conjunction with Section 19 (5) or Section 20 (3), sentence 1,
 16. fails to hand over the log, a file card or the list or fails to do so in good time in contravention of Section 17 (6), sentence 3, also in conjunction with Section 19 (5) or Section 20 (3), sentence 1 or Section 24 (4), sentence 2,
 17. fails to submit the course curriculum or the exercise programme or fails to do so in good time in contravention of Section 22 (2), sentence 2,
 18. permits an event to be carried out in contravention of Section 22 (2), sentence 4,
 19. fails to verify that the requirements stipulated in Section 23 (1), sentence 2 are met, or fails to do so in good time in contravention thereof,
 20. fails to keep a list, keeps an incorrect or incomplete list or fails to keep a list in the stipulated manner in contravention of Section 24 (1),
 21. fails to keep the list or fails to do so for at least five years in contravention of Section 24 (2), sentence 1 or
 22. fails to suspend a course or a shooting exercise or fails to do so in good time in contravention of Section 25 (2), sentence 1
- shall be deemed to have committed an administrative offence pursuant to Section 53 (1), no. 23 of the Weapons Act.

**Section 35
(revoked)**

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**Section 36
Entry into force, expiry**

This Ordinance shall enter into force on 1 December 2003.

Formal closure

Approved by the Bundesrat.

**Annex (to Section 15 (2), no. 2)
Types of weapons and ammunition**

(Source: Federal Law Gazette I 2008, 438 - 439)

1. Guns and equivalent devices
 - 1.1 Rifles and shotguns, including Flobert guns and Zimmerstutzen rifles
 - 1.2 Pistols and revolvers for shooting blanks; silencers
 - 1.3 Guns for firing blanks, irritant firearms and signalling guns pursuant to Annex 1, Part 1, Chapter 1, nos. 2.7 to 2.9 of the Weapons Act
 - 1.4 Signalling guns with a blank or cartridge chamber of more than 12.5 mm in diameter
 - 1.5 Compressed-air, spring-operated and compressed-gas weapons

1.6 Guns manufactured prior to 1 January 1871

1.7 Guns and equivalent devices which do not fall within the scope of 1.1 to 1.5

2. Ammunition

2.1 Ammunition for firing from rifles and shotguns (1.1)

2.2 Ammunition for firing from pistols and revolvers (1.2)

2.3 Ammunition for firing from guns for firing blanks, irritant firearms and signalling guns (1.3)

2.4 Ammunition for firing from signalling guns with a cartridge chamber of more than 12.5 mm in diameter (1.4)

2.5 Ammunition for firing from guns manufactured prior to 1 January 1871 and from equivalent devices (1.6 and 1.7)