

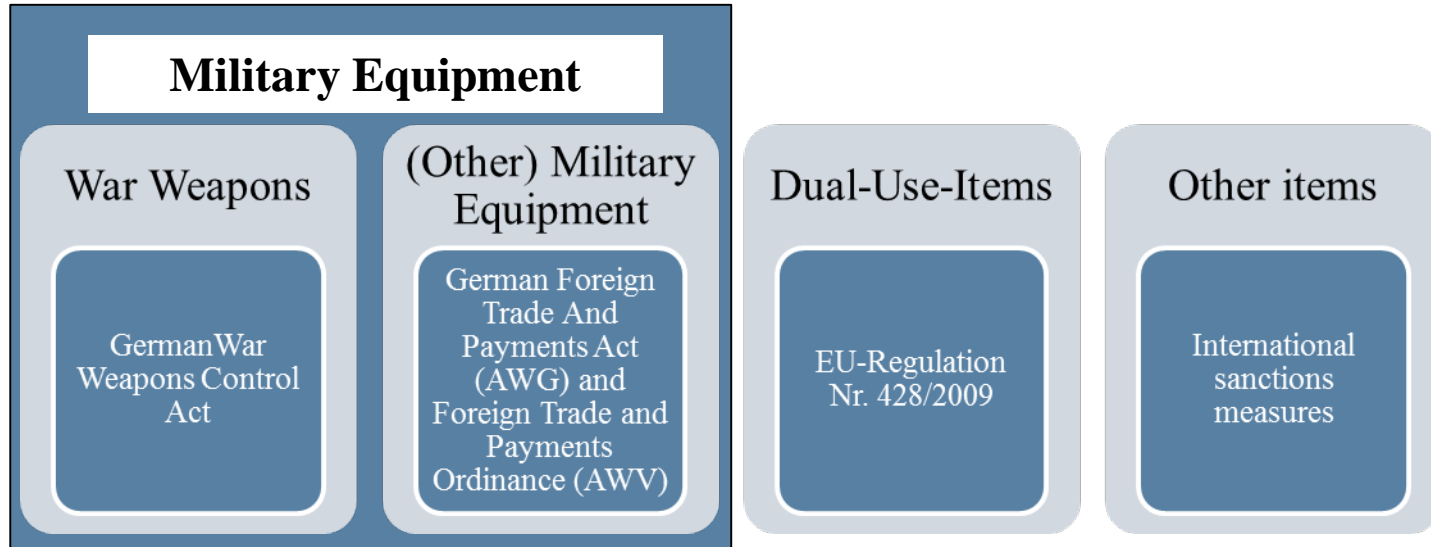


Federal Ministry  
for Economic Affairs  
and Energy

# The German Export Control System

13 March 2019, Oslo

# Overview: Controlled items and main legal basis



# The German control system for exports of military equipment – War Weapons

- Items listed in the “War Weapons List” (“Kriegswaffenliste”), i.e. items meant to be used in armed conflicts such as tanks, automatic rifles, certain munitions etc.
- Comprehensive licensing requirements, not limited to exports.
- Under War Weapons Control Act, no-one enjoys an entitlement to the granting of a licence.
- Licensing authority for commercial exports: Federal Ministry for Economic Affairs and Energy, Division VB8.

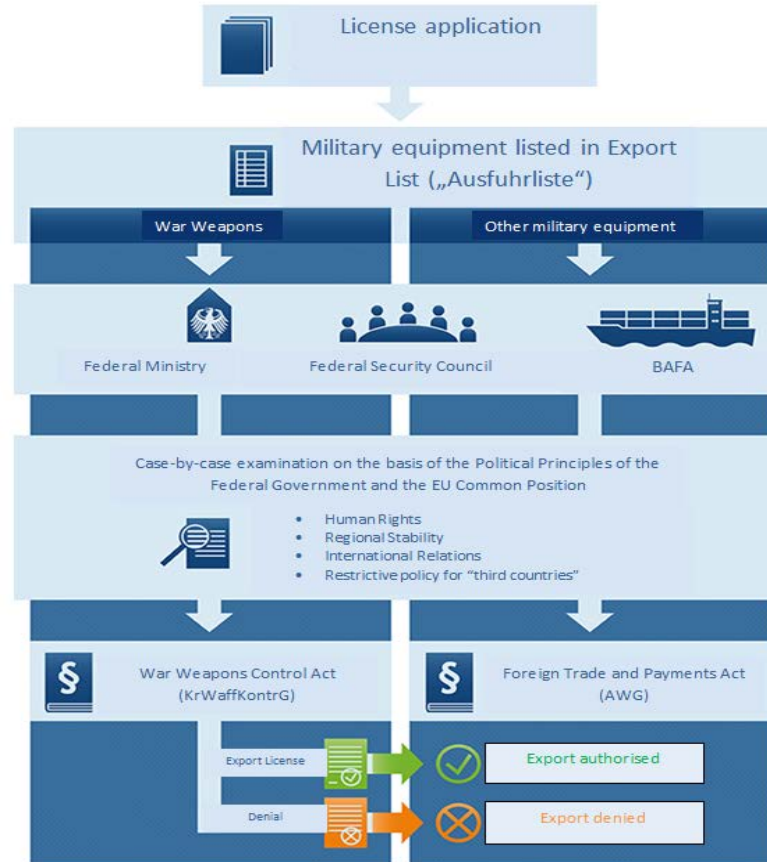
# The German control system for exports of military equipment – (Other) Military equipment

- Items listed in Part I Section A of the “Export List” (Ausfuhrliste), closely oriented to the Wassenaar Arrangement’s Munitions List and the EU’s Common Military List.
- Licensing requirements for exports and export related activities (brokering, technical assistance).
- Applicants are entitled to receive an export licence unless essential security or foreign policy interests of the Federal Republic of Germany or other reasons argue against this.
- Licensing authority: Federal Office for Economic Affairs and Export Control (BAFA).

# Licensing criteria

- **Guidelines for licensing authorities:**
  - “Political Principles Adopted by the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment” of 19 January 2000 (“Political Principles”)
  - EU Council Common Position defining common rules governing control of exports of military technology and equipment of 8 December 2008
  - Arms Trade Treaty
- Restrictive and responsible policy; Decisions are primarily based on foreign and security policy considerations, and not on commercial or labour-market interests.
- Licenses are the rule for EU, NATO- and NATO-equivalent countries (AUS, NZL, JAP, CHE); restrictive policy for other countries („third countries“).

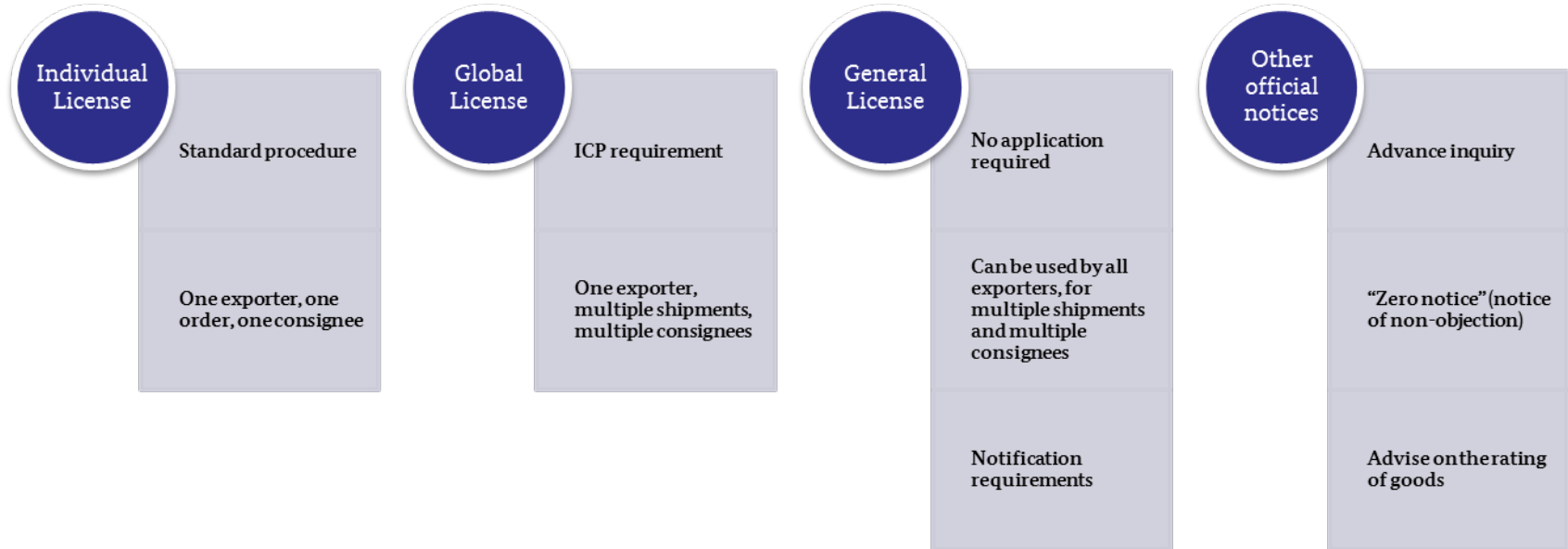
# Licensing process



# The German control system for dual-use items

- Legal basis: Regulation (EC) No 428/2009, additional national controls apply
- Licensing requirements for exports and export related activities (transit, brokering, technical assistance), including “catch-all” controls and power of interdiction.
- Licensing authority: Federal Office for Economic Affairs and Export Control (BAFA).

# Licences and other official notices





# Advice for foreign entities / importers

- Specific licensing requirements may apply for transits through Germany.
- Providing timely, accurate, and full information will help to expedite the licensing process.
- Commitments given in end use certificates have to be observed.

# Recent developments I

## ➤ **Stricter rules on exports of small arms and light weapons**

- Principles on the issue of licences for the export of small and light weapons, related ammunition and corresponding manufacturing equipment to third countries of March 2015 (“Small Arms Principles“) supplement the Political Principles.
- No licences for components and technology to third countries where such exports would lead to establishment of new manufacturing lines.
- “New for old” or “New, destroy when discarded principle”.
- Prior authorisation for in-country transfers needed.

# Recent developments –II-

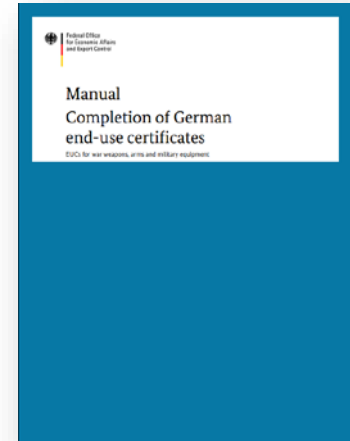
## ➤ **Introduction of Post-shipment controls**

- Introduced in July 2015, currently on a pilot basis.
- Governmental recipients of small and light weapons and certain firearms (pistols, revolvers, sniper rifles) in third countries must agree to subsequent checks on the end-use in the country of destination before export license is issued.
- On-the-spot visits are prepared and conducted by BAFA and the German Embassies.

# Recent developments –III-

## ➤ New templates for end-use certificates

- Updated to reflect changes in export control policy requirements.
- BAFA has published a Manual for the completion of EUCs aimed at end users (in English).



# Recent developments –IV-

## ➤ **On-going political discussions**

- “Sharpening” of Political Principles
- Exports to States involved in conflict in Yemen
- Strive for further EU harmonisation
- Review of EU Dual-use export control regime
- International developments with direct impact on exports

# For further information



- Website of BMWi dedicated to export controls:
  - <https://www.bmwi.de/Redaktion/EN/Dossier/export-controls-for-military-equipment.html>
- BAFA-website:
  - [http://www.bafa.de/DE/Aussenwirtschaft/Ausfuhrkontrolle/ausfuhrkontrolle\\_node.html](http://www.bafa.de/DE/Aussenwirtschaft/Ausfuhrkontrolle/ausfuhrkontrolle_node.html)
  - Monthly newsletters by BAFA



# Thank you ! / Contact

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