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**Special ordinance of the Federal Ministry for Economic Affairs and Climate Action (BMWK) on fees for individually attributable public services in its area of responsibility and that of the Federal Office for Economic Affairs and Export Control (BAFA) for war weapons control, export control and investment screening**  
 (Special Ordinance of BMWK and BAFA on fees for War Weapons Control, Export Control and Investment Control – BMWKGBGebKAIV)

*Latest available version of the complete edition as at 17 October 2023*

Footnotes

(+++ Wording as from: 16 September 2023 +++)

This act amends the following legislation

Provision	Amendment	Amended legislation	Validity		
			From	To	In the version of
Section 6	Entry into force	BMWKGBGebKAIV	16 September 2023		

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fees for individually attributable public services in its area of responsibility and that of the Federal Office for Economic Affairs and Export Control (BAFA) for war weapons control, export control and investment screening

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### **Preamble**

On the basis

- of section 22(4) sentence 1 in conjunction with (1) sentences 2 to 4 of the Federal Fees Act of 7 August 2013 (Federal Law Gazette I p. 3154) and
- in conjunction with section 1(2) of the Competence Adjustment Act of 16 August 2002 (Federal Law Gazette I p. 3165) and the organisational decree of 8 December 2021 (Federal Law Gazette I p. 5176)
- of section 28 of the act implementing Article 26(2) of the Basic Law (War Weapons Control Act) in the version promulgated on 22 November 1990 (Federal Law Gazette I p. 2506) and
- of section 28(3) of the Foreign Trade and Payments Act of 6 June 2013 (Federal Law Gazette I p. 1482)

of which section 28 of the act implementing Article 26(2) of the Basic Law (War Weapons Control Act) was amended by Article 2 of the Act of 2 June 2021 (Federal Law Gazette I p. 1275) and section 28(3) of the Foreign Trade and Payments Act was added by Article 1 no. 8 of the Act of 2 June 2021 (Federal Law Gazette I p. 1275), the Federal Ministry for Economic Affairs and Climate Action decrees the following:

### **Section 1 Levying of fees**

(1) The Federal Ministry for Economic Affairs and Climate Action and the Federal Office for Economic Affairs and Export Control levy fees in their respective areas of responsibility for individually attributable public services (chargeable services) provided on the basis of the following legal provisions:

1. Act implementing Article 26(2) of the Basic Law (War Weapons Control Act)
2. Ordinance on the deactivation and handling of war weapons
3. Foreign Trade and Payments Act
4. Foreign Trade and Payments Ordinance
5. Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (OJ L 206 of 11 June 2021, p. 1), as last amended by Delegated Regulation (EU) 2022/699 (OJ L 130I, 4 May 2022, p. 1), as amended
6. Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in

certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, as last amended by Commission Delegated Regulation (EU) 2021/139 of 4 December 2020 (OJ L 43, 8 February 2021, p. 5), as amended

(2) This Ordinance does not apply to chargeable services that are individually attributable to foreign government agencies.

(3) This Ordinance does not affect the levying of fees for chargeable services provided by the Federal Ministry for Economic Affairs and Climate Action and the Federal Office for Economic Affairs and Export Control on the basis of legal provisions other than those referred to in subsection 1.

## **Section 2 Amount of fees; exemption from fees**

(1) <sup>1</sup>The amount of the fees is based on the Schedule of Fees in the appendix. <sup>2</sup>The Schedule of Fees also regulates the circumstances in which no fees are charged.

(2) The fees to be charged also include the costs for determining the amount of the fees.

(3) <sup>1</sup>For the purposes of this Ordinance, the value of a good means the amount invoiced to the recipient or, in the absence of a recipient or an ascertainable amount, the statistical value within the meaning of the provisions on statistics relating to the cross-border trade in goods. <sup>2</sup>If a legal transaction or an action forms part of a single overall economic process, the value of the overall process is taken as the basis when applying the value thresholds of this ordinance.

(4) <sup>1</sup>The fees according to the Schedule of Fees is limited to two per cent of the value according to subsection 3. <sup>2</sup>This does not apply if the chargeable service relates to legal transactions and actions relating to technology and software whose value cannot be objectively determined and the chargeable service does not also relate to legal transactions and actions connected to goods for which this technology and software is intended. <sup>3</sup>In the cases referred to in sentence 2, the respective fee is charged according to the Schedule of Fees.

(5) <sup>1</sup>For chargeable services relating to legal transactions and actions whose value according to subsection 3 exceeds €100,000,000, the fee is increased by €10,000 in accordance with the Schedule of Fees. <sup>2</sup>In the case of several chargeable services that relate to parts of a single economic process, the increase according to sentence 1 only applies once.

(6) <sup>1</sup>If a process that is directly related in terms of time, subject matter and economic efficiency involves several chargeable services according to Division 1 of the Schedule of Fees, the charging of fees can be limited to one of the fees provided for in the Schedule of Fees. <sup>2</sup>If different types of fees are relevant, the appropriate type of fee is determined based on discretion. <sup>3</sup>This is without prejudice to subsection 5.

(7) The Federal Ministry for Economic Affairs and Climate Action can issue administrative provisions to ensure the standardised application of section 9(5) of the Federal Fees Act within the scope of this ordinance.

Footnotes

(+++ Section 2(4): For validity, see section 3(1) +++)

## **Section 3 Exemption threshold**

(1) <sup>1</sup>No fees are charged for chargeable services in relation to legal transactions and actions whose value does not exceed €5,000 according to section 2(3). <sup>2</sup>With regard to technology and software whose value cannot be objectively determined, section 2(4) sentences 2 to 3 apply accordingly.

(2) Subsection 1 does not apply to the types of fee in Division 1, nos. 1.4, 4 and 5 and Division 2, no. 1 of the Schedule of Fees.

#### Section 4 Assignment of tasks

The Federal Ministry for Economic Affairs and Climate Action can transfer the issuing of fee notices and the collection of fees within its area of responsibility to the Federal Office for Economic Affairs and Export Control.

#### Section 5 Transitional arrangements

This ordinance does not apply to chargeable services that are applied for before 1 January 2024.

#### Section 6 Entry into force

This ordinance enters into force on the day after its promulgation.

#### Annex (to section 2(1)) Schedule of Fees

(Citation: Federal Law Gazette I 2023 No. 248, p. 4-20)

#### Division 1 – Act implementing Article 26(2) of the Basic Law (War Weapons Control Act – KrWaffKontrG)

Number	Type of fee	Fees in €
1	Licences	
1.1	Licences according to sections 2, 3 KrWaffKontrG for domestic matters and according to sections 2, 3, 4a KrWaffKontrG for foreign matters relating to NATO and/or EU countries or NATO-equivalent countries within the meaning of the political principles of the Federal Government for the export of war weapons and other military equipment, with the exception of matters falling under 1.3 as well as 1.5 and 1.6	256
1.2	Licences according to sections 2, 3, 4a KrWaffKontrG for foreign matters relating to all countries not covered by 1.1 (third countries), with the exception of matters covered by 1.3 and 1.5	1,015
1.3	Licences according to sections 2, 3, 4a KrWaffKontrG in connection with demonstrations (trade fairs, exhibitions, presentations to armed forces)	228
1.4	Surcharge for licences under numbers 1.1 to 1.3 for first-time applications or repetition of the background check, insofar as the applicant has given cause for this	726
1.5	Licences according to section 3(3) KrWaffKontrG for transport for the purpose of transit	173
1.6	Acquisition licence according to section 2(2) KrWaffKontrG which serves to secure war weapons	37

Number	Type of fee	Fees in €
1.7	Licences related to joint government projects (i.e. joint programmes, government-to-government cooperation, LOI projects or projects under Article 2 of the Export Controls Agreement in the field of military equipment)	Free of charge
1.8	Licences for projects undertaken on behalf of German authorities	Free of charge
2	Extension of licences under 1.1 to 1.3 and 1.5 and 1.6 after expiry of the regular term	50% of the fee according to 1.1 to 1.3, 1.5 and 1.6
2.1	Extensions of licences under 1.1 to 1.3, 1.5 and 1.6 after expiry of the regular term with a duration of up to 6 months	25% of the fee according to 1.1 to 1.3 as well as 1.5 and 1.6
3	Amendments	Free of charge
4	Extension of a licence vis-à-vis transport companies for reasons within the applicant's sphere of responsibility	19
5	Enquiries about the status of war weapons	68
6	Exemption according to section 12(6) sentence 3 KrWaffKontrG	Free of charge
7	Seizure according to section 13(1) KrWaffKontrG	Free of charge
8	Confiscation according to section 13(2) KrWaffKontrG	Free of charge
9	Monitoring according to section 14(3) KrWaffKontrG	Free of charge

#### **Division 2 – Ordinance on the deactivation and handling of war weapons**

Number	Type of fee	Fees in €
1	Demilitarisation certificates according to section 3(1) KrWaffUnbrUmgV	68
2	Exemptions or authorisations according to section 4(4), section 5(1) or section 7(2) KrWaffUnbrUmgV	304
3	Amendments to exemptions or licences under 2	121

#### **Division 3 – Foreign Trade and Payments Act (AWG)**

Number	Type of fee	Fees in €
1	Individual intervention according to section 6(1) AWG	Free of charge

#### **Division 4 – Foreign Trade and Payments Ordinance (AWV)**

Number	Type of fee	Fees in €
1	Licences according to section 8(1) No. 2, section 9(1), section 11(2) and (3), section 78 AWV	
1.1	Not involving referral to the highest federal authorities (without the involvement of a Federal ministry)	159
1.2	Involving referral to the highest federal authorities (with the involvement of a Federal ministry)	315

Number	Type of fee	Fees in €
1.3	Temporary exports or transfers	Reduction of 25% of the fee according to 1.1 to 1.2
1.4	Re-exports/transfers	Free of charge
1.5	Renewal of a licence under 1	
1.5.1	Without the involvement of a Federal ministry	40
1.5.2	With the involvement of a Federal ministry	252
1.5.3	Temporary exports or transfers	Reduction of the fee according to 1.5.1 or 1.5.2 by 25%
1.5.4	Re-exports/transfers	Free of charge
1.6	Amendment of a licence under 1	Free of charge
2	Licences according to section 8(1) no. 1, section 11(1) sentence 1 AWV	
2.1	Without the involvement of a Federal ministry	99
2.2	With the involvement of a Federal ministry	206
2.3	Temporary exports or transfers	Reduction of the fee according to 2.1 or 2.2 by 25%
2.4	Re-exports/transfers	Free of charge
2.5	Licences in connection with joint government projects	Free of charge
2.6	Licences for projects undertaken on behalf of German authorities	Free of charge
2.7	Licence under 2, which is issued on the basis of the licence for the transportation of identical goods for export according to Division 1	Free of charge
2.8	Extension of a licence under 2	
2.8.1	Without the involvement of a Federal ministry	25
2.8.2	With the involvement of a Federal ministry	165
2.8.3	Temporary exports or transfers	Reduction of the fee according to 2.8.1 or 2.8.2 by 25%
2.8.4	Re-exports/transfers	Free of charge
2.8.5	Extension of a licence under 2.5 to 2.7	Free of charge
2.9	Amendment of a licence under 2	Free of charge
3	Licences under 1 and/or 2 and Division 5 no. 1 (mixed licences)	
3.1	Without the involvement of a Federal ministry	139
3.2	With the involvement of a Federal ministry	285
3.3	Temporary exports or transfers	Reduction of the fee according to 3.1 or 3.2 by 25%
3.4	Re-exports/transfers	Free of charge
3.5	Licences in connection with joint government projects	Free of charge
3.6	Licences for projects undertaken on behalf of German authorities	Free of charge
3.7	Extension of a licence under 3	
3.7.1	Without the involvement of a Federal ministry	35

Number	Type of fee	Fees in €
3.7.2	With the involvement of a Federal ministry	228
3.7.3	Temporary exports or transfers	Reduction of the fee according to 3.7.1 or 3.7.2 by 25%
3.7.4	Re-exports/transfers	Free of charge
3.7.5	Extension of a licence under 3.5 and 3.6	Free of charge
3.8	Amendment of a licence under 3	Free of charge
4	Collective licences according to section 4 in conjunction with section 8(1) no. 1, section 11(1) sentence 1 AWV (up to 50 buyers/recipients/end users)	
4.1	Granting of a licence	
4.1.1	Basic fee without the involvement of a Federal ministry	112
4.1.2	Basic fee with the involvement of a Federal ministry	155
4.1.3	Additional fee for the verification of each additional buyer, recipient or end user	20
4.2	Extension of a licence under 4	
4.2.1	Basic fee without the involvement of a Federal ministry	84
4.2.2	Basic fee with the involvement of a Federal ministry	116
4.2.3	Additional fee for the verification of each additional recipient or end user	15
4.3	Retrospective inclusion of a new recipient or end user	
4.3.1	Without the involvement of a Federal ministry	34
4.3.2	With the involvement of a Federal ministry	116
4.4	Retrospective increase in value	
4.4.1	Without the involvement of a Federal ministry	84
4.4.2	With the involvement of a Federal ministry	116
4.5	Collective licences and all related services in connection with joint government projects	Free of charge
4.6	Licences for projects undertaken on behalf of German authorities and to promote cooperation with partner countries	Free of charge
4.7	Amendments to the ancillary provisions and the referenced KrWaffKontrG licence numbers insofar as they were initiated by the licence holder	
4.7.1	Without the involvement of a Federal ministry	56
4.7.2	With the involvement of a Federal ministry	116
5	Granting of a licence according to section 46(1), section 47(1) AWV	
5.1	Without the involvement of a Federal ministry	99
5.2	With the involvement of a Federal ministry	206
5.3	Extension of a licence under 5	
5.3.1	Without the involvement of a Federal ministry	25
5.3.2	With the involvement of a Federal ministry	165
5.4	Amendment of a licence under 5	Free of charge
6	Establishment of a licensing requirement and granting of licence in accordance with section 47(2), (3) AWV	
6.1	Without the involvement of a Federal ministry	159

Number	Type of fee	Fees in €
6.2	With the involvement of a Federal ministry	315
7	Establishment of a licensing requirement and granting of licence in accordance with section 49(1), section 50(1), section 51(1) or (2), section 52(1), section 52a(1), section 52b(1) AWV	
7.1	Without the involvement of a Federal ministry	159
7.2	With the involvement of a Federal ministry	315
8	Granting of a licence according to section 76(1), section 76a no. 2 AWV	Free of charge
9	Granting of a licence according to section 77(4) sentence 2 AWV	Free of charge
10	Issue of certificates according to section 2 AWV	Free of charge
11	Issue of international import certificates and delivery verification certificates according to section 30 AWV	Free of charge
12	Issue of official end-use certificates for submission to foreign export control authorities	Free of charge
13	Issue of import documents according to section 48 AWV	Free of charge
14	Confirmation that there is no licensing requirement under the AWV (so-called zero notifications)	Free of charge
15	Preliminary enquiries regarding probable eligibility for the approval of certain legal transactions and actions requiring approval under the AWV based on an unchanged factual and legal situation	Free of charge
16	Termination of a pending investment screening procedure after notification obligation and application for clearance or application for clearance certificate in screening phase I (preliminary screening) by administrative act or implied approval due to expiry of deadline, sections 55, 55a, 58, 58a, 60, 61 AWV	800
17	Termination of a pending investment screening procedure after knowledge and ex officio review in screening phase I (preliminary screening) by means of implied approval through expiry of the deadline and issuance of a certificate of implied approval, sections 55, 55a, 58, 58a, 60, 61 AWV	800
18	Termination of an opened investment screening procedure after screening phase II by means of an administrative act or implied approval due to expiry of the deadline, sections 55, 55a, 58, 58a, 59, 60, 61, 62 AWV	2,500
19	Termination of an opened investment screening procedure after extension of screening phase II by up to three months in the event of particular difficulties of a factual or legal nature, sections 55, 55a, 58a, 59, 60, 61, 62 AWV	5,000
20	Termination of an opened investment screening procedure after extension of screening phase II according to 19 and further extension by another month in the event of cumulation of particular difficulties of a factual or legal nature and particular impact on defence interests, sections 55, 55a, 58a, 59, 60, 61, 62 AWV	6,000
21	One-off increase in the fixed fee after completion of a pending investment screening procedure in screening phase II due to special protective measures to be taken in the screening procedure and/or in the administrative act, graded according to actual effort and degree of difficulty, sections 55, 55a, 58, 59, 60, 61, 62 AWV	
21.1	Involving a low level of effort and degree of difficulty	10,000
21.2	Involving a moderate level of effort and degree of difficulty	20,000
21.3	Involving a high level of effort and degree of difficulty	30,000

**Division 5 – Regulation (EU) 2021/821 of the European Parliament and of the Council**



**of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (EU Dual-Use Regulation)**

Number	Type of fee	Fees in €
1	Establishment of an authorisation requirement and/or provision of authorisation according to Articles 3(1), 4(1)(a) to (c), 5(1), 10(1) and 11(1) EU Dual-Use Regulation	
1.1	Without the involvement of a Federal ministry	159
1.2	With the involvement of a Federal ministry	315
1.3	Temporary exports or transfers	Reduction of the fee according to 1.1 or 1.2 by 25%
1.4	Re-exports/transfers	Free of charge
1.5	Extension of a licence under 1	
1.5.1	Without the involvement of a Federal ministry	40
1.5.2	With the involvement of a Federal ministry	252
1.5.3	Temporary exports or transfers	Reduction of the fee according to 1.5.1 or 1.5.2 by 25%
1.5.4	Re-exports/transfers	Free of charge
1.6	Amendment of a licence under 1	Free of charge
2	Collective licences according to Article 12(1) sentence 1 letter b in conjunction with Article 3(1), Article 11(1) EU Dual-Use Regulation based on up to 25 purchasers/recipients/end users	
2.1	Granting of a licence	
2.1.1	Basic fee without the involvement of a Federal ministry	811
2.1.2	Basic fee with the involvement of a Federal ministry	1,029
2.1.3	Additional fee for the verification of each additional buyer, recipient or end user	68
2.2	Extension of a licence under 2	
2.2.1	Basic fee without the involvement of a Federal ministry	101
2.2.2	Basic fee with the involvement of a Federal ministry	304
2.2.3	Additional fee for the verification of each additional buyer, recipient or end user	51
2.3	Retrospective inclusion of a new buyer, recipient or end user	
2.3.1	Without the involvement of a Federal ministry	113
2.3.2	With the involvement of a Federal ministry	241
2.4	Retrospective increase in value or quantity	69
2.5	Retrospective change of goods	120
2.6	Licences for projects undertaken on behalf of German authorities	Free of charge
2.7	Amendments to the ancillary provisions or the end use insofar as they were initiated by the licence holder	
2.7.1	Without the involvement of a Federal ministry	56
2.7.2	With the involvement of a Federal ministry	172

Number	Type of fee	Fees in €
3	Establishment of a licensing requirement and authorisation of a brokering service in accordance with Article 6(1) EU Dual-Use Regulation	
3.1	Without the involvement of a Federal ministry	159
3.2	With the involvement of a Federal ministry	315
4	Prohibition of transit under Article 7(1) EU Dual-Use Regulation	
4.1	Without the involvement of a Federal ministry	159
4.2	With the involvement of a Federal ministry	315
5	Establishment of a licensing requirement and authorisation of transit in accordance with Article 7(2) EU Dual-Use Regulation	
5.1	Without the involvement of a Federal ministry	159
5.2	With the involvement of a Federal ministry	315
6	Establishment of an authorisation requirement and authorisation of technical assistance in accordance with Article 8(1) EU Dual-Use Regulation	
6.1	Without the involvement of a Federal ministry	159
6.2	With the involvement of a Federal ministry	315
7	Confirmation that there is no authorisation requirement under foreign trade law under the EU Dual-Use Regulation (so-called zero notifications)	Free of charge

**Division 6 – Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (EU Anti-Torture Regulation)**

Number	Type of fee	Fees in €
1	Authorisation in accordance with Article 11(1) sentence 1, Article 16 (1) sentence 1 EU Anti-Torture Regulation	
1.1	Without the involvement of a Federal ministry	159
1.2	With the involvement of a Federal ministry	315
1.3	Temporary exports	Reduction of the fee according to 1.1 or 1.2 by 25%
1.4	Re-exports	Free of charge
1.5	Extension of a licence under 1	
1.5.1	Without the involvement of a Federal ministry	40
1.5.2	With the involvement of a Federal ministry	252
1.5.3	Temporary exports	Reduction of the fee according to 1.5.1 or 1.5.2 by 25%
1.5.4	Re-exports	Free of charge
1.6	Amendment of a licence under 1	Free of charge
2	Derogations under Article 3(2), Article 4(2) and Article 5(2) EU Anti-Torture Regulation	Free of charge

Number	Type of fee	Fees in €
3	Authorisations in accordance with Article 15(1)(b) or Article 19(1)(b) EU Anti-Torture Regulation	
3.1	Without the involvement of a Federal ministry	159
3.2	With the involvement of a Federal ministry	315
3.3	Extension of a licence under 3	
3.3.1	Without the involvement of a Federal ministry	40
3.3.2	With the involvement of a Federal ministry	252
3.4	Amendment of an authorisation under 3	Free of charge
4	Authorisation of technical assistance in accordance with Articles 15(1)(a), 19(1)(a) EU Anti-Torture Regulation	
4.1	Without the involvement of a Federal ministry	159
4.2	With the involvement of a Federal ministry	315
4.3	Extension of a licence under 4	
4.3.1	Without the involvement of a Federal ministry	40
4.3.2	With the involvement of a Federal ministry	252
4.4	Amendment of an authorisation under 4	Free of charge
5	Confirmation that there is no authorisation requirement under foreign trade law under the Anti-Torture Regulation (so-called zero notifications)	Free of charge

Note

This legislation contains unofficial sentence numbers.