



Transport of War Weapons on German Territory by or on behalf of Foreign Armed Forces

Licensing Requirements and Competent Authorities

Please note:

This guidance aims to provide a brief overview of the licensing requirements and different responsibilities regarding the transport of war weapons in the territory of the Federal Republic of Germany by or on behalf of foreign armed forces. It makes no claim to be exhaustive. The relevant provisions are subject to interpretation by the judiciary and the public prosecution services, which may differ from the interpretation given here. The content of this guidance is therefore not legally binding. Both the administrative practice described and the guidance document itself may be updated at any time.

This guidance document is current as of 1 January 2024.¹

General provisions:

Any transport of weapons of war that are listed in the War Weapons List (Annex to the War Weapons Control Act) within the territory of the Federal Republic of Germany is subject to authorisation pursuant to Section 3 of the War Weapons Control Act (KrWaffKontrG), regardless of whether these goods are being imported, exported or shipped in transit, or whether they are being transported from one location to another outside an enclosed site.

This also applies to foreign armed forces. In order to transport war weapons within or across the territory of the Federal Republic of Germany, foreign forces are generally required to obtain a licence under the War Weapons Control Act. In certain circumstances, individual transports may be exempted from the licensing requirement pursuant to Section 27 of the War Weapons Control Act in conjunction with an international treaty. In each individual case, the possibility of such an exemption is to be carefully examined by the applicant and notified to the competent licensing authority. It is the responsibility of the foreign armed force to ensure compliance with the provisions of the relevant international treaties.

Depending on the type of transport activity requested, please contact one of the following bodies.

Responsibilities of the Federal Ministry of Defence:

- Weapons of war transported by military vehicles and military drivers;
- weapons of war transported by military vehicles and civilian drivers that are members of the foreign armed force;
- weapons of war transported by civilian vehicles and military drivers;
- weapons of war transported by civilian companies and accompanied by the military;
- weapons of war transported for the purpose of participating in military exercises and manoeuvres in Germany, even if the transport is conducted by civilian companies on behalf of foreign armed forces.

¹ This guidance supersedes the previous version of 1 November 2020.

Responsibilities of the Federal Ministry for Economic Affairs and Climate Action:

- Weapons of war transported exclusively by civilian companies and civilian staff, particularly for commercial purposes
(e.g. transport activities in connection with purchases, maintenance and similar purposes).

If weapons of war are released to German companies, e.g. for the purpose of repair, maintenance or disposal, a licence for the purchase or return of such weapons under the War Weapons Control Act is required only for the German company in question. These licences are issued by the Federal Ministry for Economic Affairs and Climate Action.

Specific provisions governing the transport of war weapons in line with the Ordinance on General Licences pursuant to the War Weapons Control Act:

The Ordinance on General Licences pursuant to the War Weapons Control Act (KrWaffGenV) establishes specific cases in which general licences are issued. In such cases, transport is authorised without a prior application being required. In this respect, any transit across German territory by or on behalf of foreign armed forces is governed by the following provisions:

- Section 1, Ordinance on General Licences pursuant to the War Weapons Control Act (governing the transport across German territory of war weapons that are shipped from one Member State of the European Union on the basis of a transfer licence and destined for final use in another Member State of the European Union),
- Section 2, Ordinance on General Licences pursuant to the War Weapons Control Act (governing the transport of war weapons by ocean-going vessels bearing the Federal flag or a foreign flag under the conditions established by the provision).

You are requested to examine on your own account if the above-mentioned requirements are met. Supporting documentation should be provided (including the transfer licence of the EU Member State in question).

Please note:

Without prejudice to Section 16 of the War Weapons Control Act, neither nuclear, biological or chemical weapons (Part A of the War Weapons List) nor anti-personnel mines or cluster munitions may be imported to, transported within or exported from the territory of the Federal Republic of Germany.

The application procedures are detailed by the Federal Ministry of Defence and the Federal Ministry for Economic Affairs and Climate Action² in their respective guidance documents and procedural provisions.

Contact:

Federal Ministry for Economic Affairs and Climate Action
Division EC6
Scharnhorststraße 34-37, 11019 Berlin
buero-ec6@bmwi.bund.de

Federal Ministry of Defence
Division SE I 4
Stauffenbergstraße 18, 10785 Berlin
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² For licence applications to the Federal Ministry for Economic Affairs and Climate Action, reference is made to the guidance document 'Transporting weapons of war in line with the War Weapons Control Act – Notes for those applying for a permit from the Federal Ministry for Economic Affairs and Climate Action' (current as of 1 January 2024).