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Weapons Act (WaffG)

Weapons Act of 11 October 2002 (Federal Law Gazette I, p. 3970, 4592; 2003 I p. 1957),
most recently amended by Article 2 of the Act of 4 March 2013 (Federal Law Gazette I, p.
362)

This Act has been adopted by the Bundestag with the consent of the Bundesrat as Art. 1 of
Act 7133-4/1 of 11 October 2002, I 3970. It enters into force in accordance with Art. 19, no.
1, second sentence of this Act in the version of 1 April 2003.

Part 1

General provisions

Section 1

Purpose of the Act, definitions

(1) This Act shall regulate the use of weapons and ammunition with regard to the concerns
of public security and order.

(2) Weapons shall mean

1. guns or equivalent objects and
2. portable objects
 - a) which are by nature intended to remove or reduce humans` ability to attack
or defend, in particular cutting weapons and thrust weapons;
 - b) which, due to their properties, method of operation or how they work, are
able to remove or reduce humans` ability to attack or defend, even if not intended
for that purpose, and are referred to in this Act.

(3) Handling a weapon or ammunition shall refer to anyone who acquires, possesses, hands
over to others, carries, transfers, shoots, manufactures, works on, repairs or trades in
weapons or ammunition.

(4) Weapons and ammunition and the classification of objects as weapons under
subsection 2 no. 2 b, the handling of weapons and other terms related to the Weapons Act
shall be defined in detail in Annex 1 (Definitions) to this Act.

Section 2

Handling weapons or ammunition; list of weapons

(1) Only persons at least 18 years of age shall be allowed to handle weapons or ammunition.

(2) Handling any weapons or ammunition listed in Annex 2 (List of weapons), Part 2 to this
Act shall require a licence.

(3) Handling any weapons or ammunition listed in Annex 2, Part 1 to this Act shall be
prohibited.

(4) Weapons or ammunition, the handling of which is partially or fully exempted from a licence requirement or from a ban, shall be specified in Annex 2, Parts 1 and 2. Further, Annex 2, Part 3 shall specify those weapons and ammunition to which this Act does not apply fully or in part.

(5) In case of doubt as to whether this Act applies to an object, or as to how an object is to be classified under the definitions in Annex 1, Parts 1 and 3 and in Annex 2, the competent authorities shall decide upon application.

Such applications may be submitted by

1. manufacturers, importers, purchasers or owners of such an object, where they are able to provide plausible proof that they have a legitimate interest in the decision pursuant to sentence 1,
2. the competent authorities of the Federation and the Länder.

The competent authorities under Land law shall be consulted prior to reaching a decision.

The decision shall be generally binding for the territory governed by this Act.

The decision shall be published in the Federal Gazette.

Section 3

Handling of weapons or ammunition by children and young people

(1) By way of derogation from Section 2 (1), young people may handle weapons or ammunition during training or employment under the supervision of a person authorized to handle weapons and to give instruction.

(2) By way of derogation from Section 2 (1), young people may handle tested irritant gas spraying devices.

(3) The competent authorities may grant general or individual exemptions from age requirements for children and young people on special grounds, if this is not contrary to public interests.

Part 2

Handling weapons and ammunition

Chapter 1

General requirements for weapons and ammunition licences

Section 4

Requirements for a licence

(1) In order to be granted a licence, applicants shall

1. be at least 18 years of age (Section 2 (1)),
2. have the necessary reliability (Section 5) and personal aptitude (Section 6),
3. demonstrate the necessary specialized knowledge (Section 7),
4. demonstrate a need (Section 8), and
5. enclose proof of liability insurance cover of one million euros for personal injury and property damage when applying for a weapons licence or shooting licence.

(2) Applicants not ordinarily resident for at least five years in the territory governed by this Act may be refused a licence to acquire, possess, carry or shoot a weapon.

(3) The competent authorities shall verify the reliability and personal aptitude of licence holders and, in the cases covered by subsection 1 no. 5, shall require proof of liability insurance at regular intervals of no more than three years.

(4) The competent authorities shall verify that a need still exists three years after the first licence is granted under the Weapons Act. This may be done at the same time as the verification referred to in subsection 3. The competent authorities may also verify that a need still exists after the period referred to in the first sentence has expired.

Section 5 Reliability

(1) The following persons shall not be deemed to have the necessary reliability:

1. persons who have been sentenced in a non-appealable judgement
 - a) for a crime, or
 - b) for any other criminal offence committed intentionally to imprisonment of at least one year,

if less than ten years have elapsed since the last sentence entered into force;

2. persons whose circumstances give reason to assume that they
 - a) will use weapons or ammunition improperly or recklessly,
 - b) will not handle weapons or ammunition cautiously or properly or will not store these objects carefully,
 - c) will hand over weapons or ammunition to persons not entitled to exercise actual control over these objects.

(2) The following persons shall as a rule not be deemed to have the necessary reliability:

1. persons who have been sentenced in a non-appealable judgement to imprisonment, youth custody, a fine of at least 60 times the daily rate, or twice to a lower fine, or who have been on a suspended term of youth custody within the last five years (from the date of the final judgement on the last sentence

- a) for an offence committed intentionally,
 - b) for an offence committed negligently in connection with the handling of weapons, ammunition or explosives, or an offence committed negligently involving danger to the public,
 - c) for an offence under the Weapons Act, the War Weapons Control Act, the Explosives Act or the Federal Hunting Act;

2. persons who have been members of

- a) an association permanently banned as an organization under the Act Governing Private Associations or subject to a permanent ban on activities under the Act Governing Private Associations, or
 - b) a party found by the Federal Constitutional Court to be unconstitutional under Section 46 of the Act on the Federal Constitutional Court
- within the last ten years (from the date on which membership ended),

or

3. persons who individually or as members of an association pursue or support or have within the last five years pursued or supported activities

- a) hostile to the constitution, or
 - b) directed against the idea of international understanding, in particular peaceful co-existence, or
 - c) endanger foreign interests of the Federal Republic of Germany through the use of violence or preparatory actions for the use of violence;

4. persons who have been taken into preventive police custody with the approval of the courts more than once within the last five years for acts of violence; or

5. persons who have repeatedly or grossly violated provisions of one of the laws specified in no. 1 c.

(3) The period of time referred to in subsection 1 no. 1 or subsection 2 no. 1 shall not include the time in which the person in question was kept in institutional custody by order of the authorities or the courts.

(4) If proceedings due to offences as referred to in subsection 1 no. 1 of subsection 2 no. 1 are not yet completed, the competent authorities may suspend their decision on the application for a licence under the Weapons Act until a non-appealable judgement has been returned.

(5) The competent authorities shall obtain the following for the purpose of determining reliability:

1. all information recorded in the Federal Central Criminal Register;

2. information from the Central Public Prosecution Proceedings Register with regard to the offences specified in subsection 2, no. 1;

3. a report from the local police of any known offences which give reason to doubt the person's reliability; this report shall include the result of checks to be carried out by the local police in accordance with subsection 2 no. 4.

The personal data collected pursuant to sentence 1, no. 2 may only be used for the purpose of verifying the reliability of the individual concerned in the context of the Weapons Act.

Section 6 Personal aptitude

(1) Persons shall not be deemed to have the necessary personal aptitude if there is reason to believe that they

1. have no legal capacity,

2. are dependent on alcohol or other intoxicating substances, are mentally ill or feeble-minded, or

3. are unable, due to personal circumstances, to handle weapons or ammunition cautiously or properly, or store these objects carefully, or are at specific risk of injuring themselves or others.

As a rule, persons shall be deemed not to possess the necessary personal aptitude if there is reason to believe that they are of limited legal capacity. The competent authorities shall obtain a report from the local police. Decisions or orders entered in the Juvenile Delinquency Register pursuant to Section 60 (1) nos. 1 through 7 of the Act on the Federal Central Criminal Register may also indicate that the required personal aptitude is lacking.

(2) If there is reason to doubt personal aptitude under subsection 1, or if there is reason to doubt documentation supplied by the applicant, the competent authorities shall require the person in question to obtain a certificate of physical or mental aptitude from a public health officer, specialist or psychologist at his or her own expense.

(3) Persons under 25 years of age shall submit a certificate of mental aptitude from a public health officer, specialist or psychologist at their own expense on applying for the first time for a licence to acquire and own a gun. Sentence 1 shall not apply to the acquisition and ownership of guns as referred to in Section 14 (1) second sentence.

(4) The Federal Ministry of the Interior shall be authorized to issue statutory instruments with the assent of the Bundesrat governing the procedure for drafting and submitting the certificates referred to in subsections 2 and 3 to the competent authorities and their recognition by the competent authorities.

Section 7

Specialized knowledge

- (1) Persons who have passed an examination before the designated agency or who have demonstrated specialized knowledge through activity or training shall be deemed to have provided proof of specialized knowledge.
- (2) The Federal Ministry of the Interior shall be authorized to issue statutory instruments with the assent of the Bundesrat governing the required technical and legal knowledge of weapons, governing examinations and the examination procedure, including the creation of examining committees and other ways of demonstrating specialized knowledge.

Section 8

Need; general principles

Proof of need shall be deemed to have been provided if

1. personal or economic interests meriting special recognition, above all as a hunter, marksman, traditional marksman, collector of weapons or ammunition, weapons or ammunition expert, endangered person, weapons manufacturer, weapons dealer or security firm, and
 2. the suitability of the weapon or ammunition for the stated purpose
- have been credibly demonstrated with regard to the concerns of public security and order.

Section 9

Restrictions, additional conditions and orders

- (1) A licence issued pursuant to this Act may be restricted in order to avert risks to public security or order, in particular to protect human life and health from the dangers and significant disadvantages arising from the handling of guns or ammunition.
- (2) Licences may be issued with conditions or a limited period of validity for the purposes referred to in subsection 1. Conditions may be added, amended or expanded after the licence is issued.
- (3) For the purposes referred to in subsection 1, orders may be imposed on persons allowed to manufacture or trade in weapons under Annex 2, Part 2, Chapter 2 nos. 4 through 6 without a licence or allowed to operate a shooting range under Section 27 (2) without a licence.

Chapter 2

Specific types of weapons or ammunition licences; exemptions

Section 10

Licences to acquire, possess, carry and shoot weapons

- (1) Permission to acquire and possess a weapon shall be granted by issuing a weapon owner's licence or by entering a new weapon on an existing weapon owner's licence. Applicants for a gun licence shall indicate the type, number and calibre of guns. Licences to acquire a weapon shall be valid for one year; as a rule, licences to possess weapons shall be issued without a date of expiry.
- (1a) Persons who acquire a weapon on the basis of a licence under subsection 1 first sentence shall have two weeks to report this acquisition, stating in writing the name and address of the person from whom the weapon was acquired, and to present their weapon owner's licence to the competent authorities to register the acquisition.
- (2) A weapon owner's licence for guns owned by more than one person may be issued in the names of these persons. A weapon owner's licence may also be issued to a shooting club or a hunting association as a legal person. Such a licence shall be issued on the condition that the club or association provides the authority with the name of a responsible person who has been confirmed as meeting the conditions pursuant to Section 4 (1) nos. 1 through 3 before taking possession of weapons for said club or association, notwithstanding fulfilment of the condition stipulated in Section 4 (1) no. 5; this named person need not be an

authorized representative of the club or association. If the named responsible person leaves the club or association or no longer meets all the conditions pursuant to Section 4 (1) nos. 1 through 3, the club or association shall be obliged to notify the competent authorities without delay. If the club or association fails to name a new responsible person who demonstrably meets the conditions pursuant to Section 4 (1) nos. 1 through 3 within two weeks, the permission granted to said club or association to own weapons shall be revoked and the weapon owner's licence shall be surrendered.

(3) Permission to acquire and possess ammunition shall be granted by entering the ammunition on the weapon owner's licence for the guns entered there. Otherwise, permission shall be granted by issuing a licence to acquire ammunition for a specific type of ammunition. The licence to acquire ammunition shall be valid for a period of six years, and shall be valid without expiry for the possession of ammunition. Permission to load ammunition for non-commercial purposes within the meaning of the Explosives Act shall also constitute permission to acquire and own such ammunition. Permission to own such ammunition shall continue for a period of six months after expiry of the permitting document.

(4) Permission to carry a weapon shall be granted by issuing a weapons licence. Licences to carry weapons in accordance with sentence 1 shall be issued for specific guns for a maximum of three years. Licences may be renewed twice for a maximum of three years at a time; renewals shall be of shorter duration if only a temporary need has been demonstrated. The scope of the weapons licence shall be limited to specific occasions or areas if no need beyond such occasions or areas is demonstrated. The conditions for issuing a licence to carry weapons for shooting blanks or irritants and weapons used as signalling devices are stipulated in Annex 2, Part 2, Chapter 3, nos. 2 and 2.1 (Kleiner Waffenschein (minor firearms certificate)).

(5) Permission to fire a gun shall be granted by issuing a shooting licence.

Section 11

Acquisition and possession of guns or ammunition with regard to another European Union Member State

(1) A licence to acquire and possess a gun in accordance with Annex 1, Part 3, nos. 1 through 3 (categories A through C) or ammunition for said gun may be issued to a person ordinarily resident in another European Union Member State (Member State) only if that person

1. is to transfer the gun or ammunition to the Member State personally, or
2. submits a written declaration stating that he or she intends to possess the gun or ammunition only within the area governed by this Act and for what reasons.

A licence to acquire or possess a gun in accordance with Annex 1, Part 3, no. 2 (category B) or ammunition for said gun may be issued only with the prior authorization of the Member State in question, in addition to the conditions given in sentence 1.

(2) A licence shall be issued to persons ordinarily resident within the territory governed by this Act who wish to acquire a gun in accordance with Annex 1, Part 3, no. 2 (category B) or ammunition for said gun in another Member State subject to authorization by that Member State and if the conditions under Section 4 (1) no. 2 are met.

Section 12

Exemptions from licensing requirements

(1) The following persons shall not require a licence to acquire and possess a weapon:

1. persons who have a weapon owner's licence and acquire a weapon from an authorized person
 - a) temporarily and no more than one month for or in connection with a purpose covered by their need, or

- b) temporarily for the purpose of safekeeping or transport;
2. persons who temporarily acquire a weapon from an authorized person for the purpose of commercial transport, commercial storage or commercial improvement or similar work on the weapon;
 3. persons who acquire a weapon from or for an authorized person if and as long as they are allowed to possess the weapon on the instructions of the authorized person
 - a) based on a training or employment contract,
 - b) as the agent or member of a hunting or shooting club or another sport club in order to give starting signals or of a club which carries weapons in order to maintain a tradition,
 - c) as an agent of a body specified in Section 55 (1) first sentence,
 - d) as a charterer of seagoing vessels in order to fire flares;
 4. persons who re-acquire a weapon from a third party
 - a) to whom the weapon was temporarily handed over without the need for this to be entered on the licence, or
 - b) following its loss;
 5. persons who acquire a weapon temporarily at a shooting range (Section 27) solely in order to fire it on this shooting range;
 6. persons who carry a weapon with due authorization on a journey to or through the territory governed by this Act pursuant to Section 32.
- (2) The following persons shall not require a licence to acquire and possess ammunition:
1. persons who acquire ammunition under the conditions set out in subsection 1, nos. 1 through 4;
 2. persons who acquire ammunition in accordance with subsection 1, no. 5 for immediate use solely on said shooting range (Section 27);
 3. persons who carry a weapon with due authorization on a journey to or through the territory governed by this Act pursuant to Section 32.
- (3) The following persons shall not require a licence to carry weapons:
1. persons who carry a weapon with the consent of another person in that person's home, on their business premises, on their enclosed property or shooting range for a purpose included in or related to their need;
 2. persons who transport a weapon which is not primed or accessible from one place to another, where the weapon is being transported for a purpose included in or related to their need;
 3. persons who carry a long firearm which is not primed in accordance with the rules as a participant in approved sports competitions on specified routes,
 4. persons who carry a signalling weapon while mountaineering, on a vessel of which they are the master, or during emergency or rescue exercises;
 5. persons who carry a weapon as a warning or signalling device in order to indicate the start or end of competitions at sporting events, when visual or acoustic signalling is necessary.

(4) Persons who shoot on a shooting range (Section 27) shall not require a shooting licence. Shooting outside a shooting range without a shooting licence shall be permitted only

1. for the holder of the right to undisturbed possession, or on enclosed property with that person`s permission
 - a) using guns which impart kinetic energy of no more than 7.5 joules to the projectile, or the design of which is allowed under Section 7 of the Act on the Proof Testing of Arms and Ammunition, where projectiles cannot leave the property,
 - b) using guns from which only shell ammunition can be fired;
2. for persons shooting with a long firearm in accordance with the rules at shooting ranges as participants in approved sports competitions pursuant to subsection 3, no. 3;
3. using guns from which only shell ammunition can be fired;
 - a) by participants in theatre performances and the equivalent,
 - b) to drive away birds at agricultural enterprises,
4. with weapons used as signalling devices in emergency and rescue exercises,
5. with weapons used as warning or signalling devices in order to indicate the start or end of competitions at sporting events on behalf of the event`s organizer, when visual or acoustic signalling is necessary.

(5) The competent authorities may allow additional exemptions from licensing requirements in individual cases where special grounds apply and where such exemptions are not contrary to the concerns of public safety and order.

Chapter 3 Special licences for specific groups of people

Section 13

Acquisition and possession of guns or ammunition by hunters; carrying and firing guns for the purpose of hunting

(1) The need for persons who hold a valid hunting licence as defined in Section 15 (1) first sentence of the Federal Hunting Act (hunters) to acquire and possess guns and the ammunition intended for them shall be recognized if

1. they can credibly demonstrate that they need the guns and ammunition for hunting or for training in shooting for hunting purposes, including hunt shooting competitions, and
2. the gun and ammunition to be acquired are not banned under the Federal Hunting Act in the version in force at the time of acquisition (hunting weapons and ammunition).

(2) Section 6 (3) first sentence shall not apply to hunters. In the case of hunters who hold an annual hunting licence as defined in Section 15 (2) in conjunction with subsection 1 first sentence of the Federal Hunting Act, no verification of compliance with the conditions stipulated in subsection 1, no. 1 and Section 4 (1), no. 4 shall be required to acquire and own long firearms and two short firearms, provided that the conditions of subsection 1, no. 2 are met.

(3) Holders of a valid annual hunting licence as defined in Section 15 (2) in conjunction with subsection 1 first sentence of the Federal Hunting Act shall not need a licence in order to acquire long firearms under subsection 1 no. 2. The person acquiring the weapons shall

apply within two weeks for a weapon owner`s licence or for the weapons to be entered on a weapon owner`s licence already issued.

(4) A hunting licence as defined in Section 15 (1) first sentence of the Federal Hunting Act shall be equivalent to a weapon owner`s licence for the acquisition and temporary possession in accordance with Section 12 (1) no. 1 of long firearms under subsection 1 no. 2.

(5) Hunters shall not need a licence to acquire and possess ammunition for long firearms under subsection 1 no. 2 as long as such ammunition is not banned under the Federal Hunting Act in the version currently in force.

(6) For the purpose of authorized hunting, including test firing on hunting grounds, training hunting dogs on hunting grounds, protecting game or forests, hunters may carry and shoot hunting weapons without a licence; in connection with these activities, hunters may carry unprimed hunting weapons without a licence.

Shooting animals protected under nature conservation law shall be equivalent to authorized hunting if exemptions under nature conservation law allow for killing by the holder of a hunting licence.

(7) Holders of a young person`s hunting licence as defined in Section 16 of the Federal Hunting Act shall not be issued a licence to acquire and own guns and the ammunition intended for them. They may acquire, own, carry and shoot guns and the ammunition intended for them without a licence only while hunting or while training in hunt shooting, including hunt shooting competitions; in connection with these activities, they may carry unprimed hunting weapons without a licence.

(8) Persons training to become hunters may acquire, possess and carry unprimed hunting weapons without a licence during training under the supervision of an instructor if they are at least 14 years of age and a guardian and the supervising instructor have given their consent in a statement signed by both persons. Persons in training shall keep this statement of consent with them.

Section 14

Acquisition and possession of guns and ammunition by marksmen

(1) By way of derogation from Section 4 (1) no. 1, a licence to acquire and own guns and ammunition for the purpose of shooting as a sport shall be issued only if the applicant is at least 21 years of age. Sentence 1 shall not apply to the acquisition and ownership of guns up to a calibre of 5.6 mm (.22 long rifle) for ammunition with rimfire percussion when the muzzle velocity of the projectiles is no more than 200 joules and for single-shot long weapons with smooth-bore barrels of a calibre of 12 or less, where shooting with such weapons for sporting purposes is permitted by the approved sporting regulations of a shooting association.

(2) The need for members of a shooting club attached to a shooting association recognized under Section 15 (1) to acquire and possess guns and the ammunition intended for them shall be recognized. The shooting association or a sub-association attached to it shall provide a certificate confirming that

1. the member has been regularly practising shooting in a club as a marksman for at least twelve months, and
2. the weapon to be acquired is allowed and necessary for a sporting discipline as defined in the sporting regulations of the shooting association.

As a rule, no more than two guns may be acquired within a six-month period.

(3) The need to acquire and possess more than three semi-automatic long firearms and more than two multiple-shot short firearms for fixed ammunition as well as the necessary ammunition shall be credibly demonstrated in accordance with subsection 2 by presenting a certificate from the applicant`s shooting association stating that the applicant needs the additional weapon

1. to practise other sporting disciplines, or
2. to compete,

and the applicant has regularly participated in shooting competitions.

(4) By way of derogation from Section 10 (1) third sentence and in compliance with subsection 2 second sentence no. 1 and third sentence, marksmen who practise sport shooting as a registered member of a shooting association under Section 15 (1) shall be issued a permanent licence to acquire single-shot long firearms with smooth-bore and rifled barrels, repeating long firearms with rifled barrels, single-barrel single-shot short firearms for fixed ammunition, and multiple-shot short and long firearms with percussion cap ignition (percussion weapons). The person acquiring weapons on the basis of such a permanent licence shall apply within two weeks of acquiring such weapons to have the weapons entered on the weapon owner's licence.

Section 15 **Shooting associations, shooting clubs**

(1) A regional association of shooting clubs which

1. is organized in the form of shooting clubs at least in each Land in which its marksmen reside,
2. has a total membership in its clubs of at least 10,000 marksmen shooting with guns,
3. pursues shooting as a leisure activity and competitive sport,
4. uses its influence to a) ensure proper training is given in shooting clubs and b) encourage children and young people to engage in age-appropriate sport shooting in these clubs,
5. organizes or takes part in regular interregional competitions,
6. organizes the sporting operations of the clubs on the basis of approved shooting regulations, and
7. takes organizational steps to ensure that the shooting clubs which belong to it
 - a) fulfil their obligations under or pursuant to this Act,
 - b) keep a record of how often each member shoots over a period of three years from the date he/she was first issued a weapon owner's licence as a marksman, and
 - c) have their own shooting ranges for the disciplines run in accordance with the shooting regulations or prove that they have regular arrangements to use such shooting ranges

shall be recognized as a shooting association for the purpose of this Act.

(2) Exceptions may be made to the requirements of subsection 1 nos. 1, 2 or 4 b, if the specific nature of the association so requires, public interests are not adversely affected and the association guarantees its compliance with the other requirements of subsection 1 on orderly shooting practice. Exceptions from the requirements of subsection 1 no. 2 shall be allowed only for associations with at least two thousand marksmen shooting with guns in the clubs, provided that the conditions of sentence 1 are met.

(3) Recognition in accordance with subsection 1 shall be granted by the Federal Office of Administration in consultation with the competent authorities under Section 48 (1) in the Land in which the shooting association is based and, where the shooting association operates not only within that Land, with the assent of the competent authorities in the other Länder in accordance with Section 48 (1).

(4) The competent authorities shall have the right to demand evidence of compliance with the requirements for recognition at any time. Recognition may be withdrawn if the requirements for recognition under subsection 1 were not met and shall be withdrawn if they continue not to be met. Recognition shall be revoked if one of the conditions on which it was granted no longer applies. Recognition, withdrawal and revocation shall be published in the Federal Gazette. Certificates from the association in question under Section 14 (2) and (3) shall cease to be valid evidence from the date on which the decision to withdraw or revoke recognition becomes final. If the grounds for withdrawing or revoking recognition give reason to doubt the accuracy of the information contained in the certificates, the authorities may refuse to recognize certificates from the date on which proceedings are initiated. The authorities responsible for recognition shall notify the bodies affected in accordance with subsection 3 when proceedings to withdraw or revoke recognition are initiated and completed.

(5) Shooting clubs shall be required to notify the competent authorities as soon as marksmen who hold a weapon owner's licence leave their club.

(6) (repealed)

(7) (repealed)

Section 15a **Sporting regulations**

(1) Shooting shall be considered a sport when carried out according to the fixed rules of approved sporting regulations. Combat-style shooting practice, in particular the use of targets representing or symbolizing persons, shall not be permissible in the pursuit of shooting as a sport.

(2) The Federal Office of Administration shall decide on approval of those parts of the sporting regulations of clubs and associations which are relevant for the implementation of this Act and the statutory instruments enacted on the basis of this Act. The approval of sporting regulations must be of special public interest. Amendments to sporting regulations shall be submitted to the Federal Office of Administration for examination. Amendments shall be deemed to be approved unless the Federal Office of Administration requires changes within three months or notifies the body concerned that the examination process cannot be completed on other important grounds. The period referred to in sentence 3 shall begin when the Federal Office of Administration has received all the necessary documentation for examination.

(3) Sporting regulations may be approved without simultaneous recognition as a sporting association pursuant to Section 15 (1) where the requirements of Section 15 (1) no. 4 a and of Section 15 (1) no. 7 a through c are met.

(4) The Federal Ministry of the Interior shall be authorized to issue statutory instruments with the approval of the Bundesrat regarding the requirements and content of sporting regulations for shooting as a sport, in order to avert dangers to public safety or order, duly observing the legitimate interests of those pursuing shooting as a sport; in particular, the Ministry shall be authorized to fully or partially exclude certain guns from the area of shooting as a sport on account of their design, handling or mode of functioning.

Section 15b **Advisory committee on shooting**

The Federal Ministry of the Interior shall be authorized to establish, by statutory instrument with the approval of the Bundesrat, a committee to which representatives of the relevant federal and Land authorities are to be appointed together with representatives of the shooting community for the purpose of advising the Federal Office of Administration in matters relating to the recognition of a shooting association and the approval of sporting regulations pursuant to Section 15a (2) and (3), with due consideration to technical issues relating to weapons.

Section 16

Acquisition and possession of guns or ammunition by traditional marksmen; carrying and firing guns in order to maintain a tradition

(1) The need for members of a club who carry weapons in order to maintain a tradition (traditional marksmen) to acquire and possess single-shot long firearms and up to three repeating long firearms and the ammunition intended for them shall be recognized if they submit a certificate from an association of traditional marksmen confirming that they need these weapons in order to maintain a tradition.

(2) For events at which it is customary to carry weapons for a specific reason, a special licence to carry the guns referred to in subsection 1 first sentence and other weapons as defined in Section 1 (2) no. 2 which are needed to maintain a tradition may be issued to a person in charge of the association of traditional marksmen for a period of five years, subject to the requirements of Section 42 (2), if a guarantee is given that the necessary care will be taken.

(3) A licence to fire shell ammunition from the guns referred to in subsection 1 first sentence outside shooting ranges at events under subsection 2 may be issued to a person in charge of the association of traditional marksmen for a period of five years. A licence shall be refused if

1. the person is subject to the grounds for refusal set out in Section 4 (1) nos. 1 through 4,
2. there is no guarantee that the necessary care will be taken,
3. there is reason to fear risk or considerable disadvantage to individuals or the community as a whole which cannot be prevented by imposing terms and conditions, or
4. no proof of liability insurance is provided in accordance with Section 4 (1) no. 5.

The licence referred to in sentence 1 may be combined with the special licence in accordance with subsection 2.

(4) In the cases covered by subsections 2 and 3 or if they hold a special licence under Section 42 (2), traditional marksmen shall not need a licence to carry and shoot with such guns. Nor shall they need a licence to carry the weapons necessary to maintain a tradition in connection with events where it is customary for a special occasion to carry weapons for which a licence was issued under subsection 2 or Section 42 (2).

Section 17

Acquisition and possession of guns or ammunition by weapons or ammunition collectors

(1) The need for persons who can prove they need to acquire and possess guns or ammunition for a collection of historical and cultural importance (weapons collectors, ammunition collections) shall be recognized; a scientific-technical collection shall also be deemed historically and culturally important.

(2) As a rule, the licence to acquire guns or ammunition shall be issued without a date of expiry. It may be issued on condition that an inventory of guns is submitted to the authorities at certain intervals.

(3) The licence to acquire and own guns or ammunition shall also be issued to an heir, legatee or a beneficiary as a result of a testamentary condition (acquisition by way of inheritance) who continues an existing collection of the deceased pursuant to subsection 1.

Section 18

Acquisition and possession of guns or ammunition by weapons or ammunition experts

(1) The need for persons who can prove they need to acquire guns or ammunition for scientific or technical purposes or for testing, expert appraisal, investigation or similar purposes (weapons experts, ammunition experts) shall be recognized.

(2) As a rule, the licence to acquire guns or ammunition shall be issued

1. for all types of guns and ammunition, and
2. without a date of expiry.

It may be issued on condition that an inventory of guns is submitted to the authorities at certain intervals. Section 10 (1a) shall not apply to holders of a weapon owner`s licence for all types of guns who acquire a gun which they have in their possession for no more than three months.

Section 19

Acquisition and possession of guns or ammunition and carrying of guns by persons in danger

(1) The need to acquire and possess weapons or ammunition shall be recognized for persons who can credibly demonstrate that

1. they are at greater risk of attack on life or limb than the general public, and
2. acquiring a gun and ammunition is appropriate and necessary to reduce this risk.

(2) The need to carry a gun shall be recognized for persons who can credibly demonstrate that the conditions referred to in subsection 1 also apply outside their own home, business premises or enclosed property.

Section 20

Acquisition and possession of guns by way of inheritance

(1) For inherited guns requiring a licence, the heir shall have one month to apply for a new weapon owner`s licence or for the weapon to be entered on an existing weapon owner`s licence from the date he/she accepts the inheritance or the period for renouncing the inheritance ends; for the legatee or beneficiary as a result of a testamentary condition, this period shall begin upon acquiring the guns.

(2) By way of derogation from Section 4 (1), an heir acquiring guns by way of inheritance shall be issued a licence applied for pursuant to subsection 1 where the deceased was the authorized owner and the applicant possesses the necessary reliability and personal aptitude.

(3) The provisions of Section 4 (1) nos. 1 through 3, Section 8 and Sections 13 through 18 shall apply to guns and ammunition requiring a licence for which the acquiring heir is able to substantiate a need pursuant to Section 8 or Sections 13 ff. Where no need can be substantiated, guns shall be rendered safe by means of a blocking system corresponding to the state of the art and ammunition requiring a licence shall be rendered unserviceable within an appropriate period or handed over to an authorized person. Guns shall not have to be rendered safe by means of a blocking system where the heir acquiring such guns is already the authorized owner of a gun requiring a licence due to a need pursuant to Section 8 or Sections 13 ff. Section 12 (3) no. 2 shall apply accordingly to transporting the gun in connection with installation of the blocking system.

(4) After consulting a group of representatives of the scientific community, the parties affected, the relevant segment of industry and the supreme Land authorities with jurisdiction over the law on arms and weaponry, the Federal Ministry of the Interior shall issue regulations in keeping with current safety standards (Technical Guideline – Blocking Systems for Inherited Guns) for a blocking system pursuant to subsection 3, second sentence and for the appurtenant licence procedure, and shall publish these regulations in the Federal Gazette. The national metrology institute PTB (Physikalisch-Technische

Bundesanstalt) shall be responsible for verifying that newly developed blocking systems comply with the Technical Guideline and for licensing such newly developed systems.

(5) The installation and disabling of blocking systems may only be carried out by a duly instructed holder of a weapon manufacturer's licence or a weapon dealer's licence pursuant to Section 21 (1) or by authorized employees. Temporary disabling on special grounds shall be possible. A written record shall be kept of the dates on which all installation and disabling measures are carried out. Section 39 (1) first sentence shall apply accordingly.

(6) The authority with jurisdiction over weapons shall enter information on the weapon owner's licence indicating that the gun concerned has been rendered safe with a blocking system.

(7) On request, the authority with jurisdiction over weapons shall permit exemptions to the obligation to secure all inherited guns with a state-of-the-art blocking system, if or as long as no corresponding blocking system is available for one or more inherited guns. An exemption may also be granted for inherited guns which form or are to form part of a collection of historical and cultural importance pursuant to Section 17.

Chapter 4

Special licences for weapon manufacturers, weapon dealers, shooting ranges and security firms

Section 21

Commercial manufacture of and trade in weapons

(1) Permission to manufacture, work on or repair guns or ammunition on a commercial or independent basis in the context of a business enterprise shall be granted by issuing a weapon manufacturer's licence; permission to trade in guns or ammunition shall be granted by issuing a weapon dealer's licence. Licences may be restricted to specific types of guns and ammunition.

(2) A weapon manufacturer's licence under subsection 1 first sentence shall include permission to hand over guns or ammunition covered by the licence to the holder of a weapon manufacturer's licence or weapon dealer's licence either temporarily or permanently and permission to acquire such guns or ammunition for the purpose of manufacturing weapons. A weapon manufacturer's licence issued to gunsmiths entered on the trade register shall include a weapon dealer's licence.

(3) A licence shall be refused if

1. the applicant does not have the necessary reliability (Section 5) or personal aptitude (Section 6),
2. the applicant does not comply with the requirements of the Crafts Regulation Act governing artisanal activities requiring a licence, where the applicant has applied for a licence to manufacture weapons in this manner,
3. the applicant does not demonstrate the necessary specialized knowledge, where a weapon dealer's licence has been applied for; this shall not apply if the applicant does not manage the business or a dependent or independent branch him- or herself.

(4) The licence may be refused if the applicant

1. is not a German national as defined in Article 116 of the Basic Law, or
2. is neither ordinarily resident nor has a commercial establishment in the territory governed by this Act.

(5) The licence shall expire if the licence holder does not begin the activity within a year from the date the licence is issued or has not carried out the activity for a year. These deadlines may be extended on special grounds.

(6) The holder of a licence under subsection 1 shall report the start or cessation of business and the opening and closing of branches to the competent authorities within two weeks.

(7) The competent authorities shall notify the Federal Criminal Police Office, the criminal police offices of the Länder and the Federal Office of Economics and Export Control when a licence expires in accordance with subsection 5 first sentence, or when a licence is withdrawn or revoked in accordance with subsection 1.

Section 21a **Agent's licence**

Anyone intending to appoint an agent to run a commercial enterprise dealing in guns shall require an agent's licence; such a licence shall be issued to the licence holder for a specific agent and may be subject to a time limit. This licence requirement shall also apply where a person is to be appointed to manage a branch establishment. The provisions of Section 21 shall apply accordingly.

Section 22 **Specialized knowledge**

(1) Specialized knowledge shall be demonstrated by means of an examination taken before the competent authorities. Persons who fulfil the requirements to be entered in the trade register as gunsmiths need not prove specialized knowledge.

(2) The Federal Ministry of the Interior shall be authorized to issue statutory instruments with the assent of the Bundesrat governing

1. the necessary technical and legal knowledge of weapons, including knowledge of specific types of weapons and ammunition (specialized knowledge),
2. examinations and the examination procedure, including the forming of examination committees,
3. the necessary type and extent of professional activity under subsection 1 second sentence and the demonstration thereof.

Section 23 **Weapons registers**

(1) Anyone who manufactures guns commercially shall keep a weapons register recording the type and quantity and whereabouts of the guns. Sentence 1 shall not apply to guns of a design permitted under Sections 7 and 8 of the Act on the Proof Testing of Arms and Ammunition or subject to the notification requirement in Section 9 of that Act, or to essential components of guns not requiring a licence.

(2) Anyone who acquires, sells or hands over guns to others on a commercial basis shall keep a weapons register recording the type and quantity, origin and whereabouts of these guns. Sentence 1 shall not apply

1. to guns as defined in subsection 1 second sentence on which the manufacturer or the person who transferred the guns into the territory governed by this Act has attached the mark specified in a statutory instrument under Section 25 (1) no. 1 c,
2. to guns to be recorded in the same business in a weapon manufacturer's register in accordance with subsection 1, or
3. to guns held in safe custody, for repair or on consignment.

Section 24 **Marking requirements, marking notification requirements**

(1) Anyone who manufactures or transfers guns on a commercial basis into the territory governed by this Act shall clearly and permanently mark at least one essential component of the weapon with the following information without delay:

1. the name, trading name or registered trademark of a weapon manufacturer or a weapon dealer with a commercial establishment within the territory governed by this Act,

2. the country of manufacture (national abbreviation under ISO 3166),
3. designation of the ammunition, or, if no ammunition is used, the designation of the projectiles,
4. in the case of imported weapons, the country of importation (national abbreviation under ISO 3166) and the year they were imported, and
5. a serial number.

The serial number pursuant to sentence 1, no. 5 shall be applied to the barrel on assembled long weapons and on the butt of assembled short weapons. Sentence 2 shall apply solely to guns manufactured on or after 1 April 2008 which are acquired or permanently transferred into the territory governed by this Act. Sentences 1 and 2 shall not apply to guns requiring a licence which form or are to form part of a collection of historical and cultural importance pursuant to Section 17. Sentence 1, nos. 2, 4 and 5 shall not apply to guns as referred to in Section 23 (1) second sentence. Essential components of guns requiring a licence shall be marked with a serial number and recorded in weapons registers pursuant to Section 23 when traded individually.

(2) Guns which impart kinetic energy of no more than 7.5 joules to the projectile shall bear a type designation and a mark as shown in Figure 1 in Annex 1 to the First Ordinance on the Weapons Act of 24 May 1976 (Federal Law Gazette I, p. 1285) in the version in force when this Act entered into force or a mark specified in a statutory instrument in accordance with Section 25 (1) no. 1 c.

(3) Anyone who commercially manufactures or transfers ammunition into the territory governed by this Act shall immediately mark the smallest packaging unit indicating the manufacturer, production series (production code), permit number and designation of the ammunition; the manufacturer's code and designation of the ammunition shall also be marked on the shell. Ammunition which is reloaded shall also bear a special mark. The person under whose name, trading name or trademark the ammunition is sold or handed over to others and who is responsible for ensuring that the ammunition complies with the provisions of this Act shall also be regarded as the manufacturer.

(4) Anyone who trades in weapons may hand over guns or ammunition to others on a commercial basis only after ascertaining that the guns are marked in accordance with subsection 1 or after being convinced on the basis of random samples that the ammunition bears the manufacturer's mark in accordance with subsection 3.

(5) Anyone who manufactures guns, ammunition or projectiles for firing devices, reloads ammunition or trades in these objects on a commercial basis within the territory governed by this Act and who wishes to use a trademark for these objects shall notify the national institute of metrology PTB in writing in advance, enclosing a copy of the trademark. Persons who transfer these objects and wish to use the trademark of a manufacturer in another country shall report these trademarks.

(6) Subsection 3 third sentence and subsection 4 shall not apply to ammunition which forms part of a collection (Section 17 (1)) or is intended for such a collection.

Section 25

Authorization and orders

(1) For the purpose of enforcing Sections 23 and 24, the Federal Ministry of the Interior shall be authorized to issue statutory instruments with the assent of the Bundesrat

1. concerning
 - a) the content of registers of weapon manufacturers and weapon dealers, and how these registers are to be kept,
 - b) how long registers of weapon manufacturers and weapon dealers must be kept and when they must be presented,

- c) special marks for specific types of weapons and ammunition and the design and shape of these marks and how they are to be attached;
2. specifying
- a) the essential components of guns to which marks are to be attached and how guns are to be marked following exchange, modification or conversion of essential components, and
 - b) that certain types of weapons or ammunition shall be completely or partly exempt from the marking requirements specified in Section 24.
- (2) If a gun subject to a marking requirement is not marked with a serial number (Section 24 (1) first sentence no. 5), the competent authorities may order the owner to attach a specific mark, also at a later date.

Section 26

Non-commercial manufacture of weapons

- (1) Permission to manufacture, work on or repair guns on a non-commercial basis shall be granted by issuing a licence. This licence shall include the right to acquire and possess the essential components of guns necessary to carry out this work.
- (2) The licence shall be issued for a maximum of three years and shall be limited to a specific number and type of guns and essential components. A licence under subsection 1 may be issued with no restrictions as to a specific number or type of guns and essential components to persons to whom guns are handed over for testing, appraisal, examination or similar purposes which may involve working on or repairing such guns.

Section 27

Shooting ranges, shooting by minors on shooting ranges

- (1) Anyone wishing to operate a fixed or mobile installation used exclusively or nonexclusively for recreational or other target practice using guns, testing guns or shooting for amusement (shooting ranges) or wishing to make fundamental changes to its properties or the way in which it is used shall require a licence from the competent authorities. A licence may be issued only to persons who have the required reliability (Section 5) and personal aptitude (Section 6) and liability insurance coverage for any damage resulting from operation of the shooting range to the sum of at least 1 million euros – lump sum for personal injury and property damage – and accident insurance for injury resulting from operation of the shooting range to persons involved in organizing shooting operations to the amount of at least 10,000 euros in case of death and 100,000 euros in case of invalidity, under corresponding policies with an insurance company authorized to do business within the territory covered by this Act.

Section 10 (2), sentences 2 through 5 shall apply accordingly. By way of derogation from sentence 2, liability insurance for shooting ranges which are subject to the ordinance on liability for showmen shall be subject to Section 1 (2) no. 2 of that ordinance. In the case of mobile shooting ranges, a single licence prior to the initial installation shall suffice. The licence holder under sentence 5 shall give the competent local authorities two weeks` written notice of the dates on which operation of the shooting range is to start and end.

(2) Subsection 1 first sentence shall not apply to shooting ranges in which rounds are fired in enclosed spaces only so that weapon or ammunition manufacturers, weapons or ammunition experts or scientific institutions may test guns or ammunition. The operator shall give the competent local authorities two weeks` written notice of the dates on which operation of the shooting range is to start and end.

(3) Under the care of guardians entitled to exercise supervision or supervisors suited to shooting with children and young people,

1. children between the ages of 12 and 14 may shoot on shooting ranges using compressed-air and spring-operated weapons and weapons in which cold gases are used to propel the projectiles (Annex 2, Part 2, Chapter 2, nos. 1.1 and 1.2),

2. young people between the ages of 14 and 18 may also fire other guns up to a calibre of 5.6 mm (.22 long rifle) for ammunition with rimfire percussion when the muzzle velocity of the projectiles is no more than 200 joules and for single-shot long firearms with smooth-bore barrels with a calibre of 12 or less,

if the guardian has provided written consent or is present during shooting. The responsible supervisor shall take receipt of the guardian's written consent before the children or young people start shooting and shall keep it for the duration of shooting. Declarations of consent shall be presented to the competent authorities or their agents for verification on request. Responsible supervisors shall credibly demonstrate their suitability for working with children and young people. The supervisory care referred to in sentence 1 shall not be required for young people shooting with weapons pursuant to Annex 2, Part 2, Chapter 2, nos. 1.1 and 1.2 and for young persons over 16 years of age shooting with any other types of guns.

(4) The competent authorities may grant a child or young person an exemption from the minimum age requirement in subsection 3 first sentence to promote competitive sport. This exemption should be granted if the child's or young person's physical and mental aptitude have been certified by a physician and his or her shooting talent has been certified by the club.

(5) Persons training to become hunters may shoot hunting weapons without a licence during training if they are at least 14 years of age and a guardian and the supervising instructor have given their consent in a statement signed by both persons. Persons in training shall keep this statement of consent with them.

(6) Responsible supervisors may allow minors to shoot on mobile shooting ranges using compressed-air and spring-operated weapons and weapons in which cold gases are used to propel the projectiles (Annex 2, Part 2, Chapter 2, nos. 1.1 and 1.2). In case of children, the operator shall ensure that the responsible supervisor attends to only one child shooting in each instance.

(7) Combat-style shooting shall not be permitted at shooting ranges. In order to avert threats to public security or order and other threats or serious harm to users of shooting ranges, residents, neighbours and the general public, the Federal Ministry of the Interior shall be authorized to issue statutory instruments with the assent of the Bundesrat

1. regulating the use of shooting ranges, including the supervision of shooting and requirements for supervisory staff and their special training to work with children and young people,

2. containing provisions on the scope of obligations to be complied with during training in self-defence using guns and during this type of shooting practice. These provisions may specify

- a) that this sort of training shall be subject to a notification requirement,
- b) that organizers shall be required to notify the authorities when supervisors are hired and terminated, and what form this notification shall take,
- c) that only persons who need a licence to own or carry guns due to personal threat or for official or occupational reasons may take part in training,
- d) that organizers shall keep records and present them to the competent authorities, and how they shall do so,
- e) that the competent authorities may ban training if the organizer, the responsible supervisor or an instructor do not or no longer have the necessary reliability, personal aptitude or specialized knowledge,

3. containing provisions on safety inspections for shooting ranges.

Section 28

Acquisition, possession and carrying of guns or ammunition by security operators and their personnel

- (1) The need for security operators (Section 34a of the Trade Regulation Code) to acquire, possess and carry guns shall be recognized if they can credibly demonstrate that security contracts are being or are to be performed which require guns in order to protect a person in danger as defined in Section 19 or an endangered property. Sentence 1 shall apply accordingly to security services within a commercial enterprise. A proven need pursuant to sentence 1 and 2 shall also cover acquiring and possessing the ammunition intended for such guns.
- (2) A gun may be carried only while carrying out a specific contract under subsection 1. The operator shall take suitable measures to ensure that security staff also comply with this requirement.
- (3) The names of the security staff who are to possess or carry the licence holder`s weapons on his instructions under the terms of an employment contract shall be reported to the competent authorities for investigation. The operator shall take suitable measures to inform the security staff concerned in advance that their names will be reported and that their personal data will have to be stored and processed by the authorities. Guns and ammunition shall not be handed over until the competent authorities have consented. Consent shall be withheld if the security employee does not meet the requirements of Section 4 (1) nos. 1 through 3 or if the security firm`s liability insurance does not cover the risk of security staff handling guns.
- (4) A rider may be added to a weapons licence under Section 10 (4) stating that the persons referred to in subsection 3 may carry the weapons assigned to them on the licence holder`s instructions.

Section 28a

Acquisition, possession and carrying of guns or ammunition by security operators and their personnel for security tasks pursuant to Section 31 (1) of the Trade Regulation Code

- (1) Section 28 shall apply accordingly to the acquisition, possession and carrying of guns and ammunition by security operators and their personnel for security tasks pursuant to Section 31 (1) of the Trade Regulation Code on ships at sea flying the federal flag. In derogation of Section 28 (1), the need for such security tasks shall be recognized with regard to security operators in possession of a licence pursuant to Section 31 (1) of the Trade Regulation Code. In derogation of Section 28 (3), this licence shall be issued subject to conditions requiring the operator
 1. to employ as security personnel only those persons who meet the requirements given in Section 4 (1) nos. 1 through 3;
 2. to inform the responsible authority within the period of time determined by that authority which persons have been assigned these tasks; and
 3. at the request of the responsible authority, to present evidence demonstrating that the persons assigned these tasks meet the requirements given in Section 4 (1) nos. 1 through 3.
- (2) The licence shall be granted for the same period of time as the licence pursuant to Section 31 of the Trade Regulation Code. It may be renewed. Renewal of the licence shall be denied in particular if the applicant has failed to meet the conditions pursuant to subsection 1 third sentence. The general provisions of this Act shall apply. The licence shall include permission to transfer weapons on board pursuant to Section 29 (1).
- (3) To assess the reliability, aptitude and specialized knowledge of the security operator's management, of the persons responsible for managing the operation or a branch office, and

of the persons active in relation to the security task, the responsible authority may have recourse to the knowledge and assessments of the authority responsible for the licence pursuant to Section 31 (2) first sentence of the Trade Regulation Code. In derogation of Section 7 (2) the requirements for specialized knowledge shall be oriented on the special requirements for deployment on ships at sea based on Section 31 (4) first sentence no. 3 (a) of the Trade Regulation Code and defined in a statutory instrument. The authority responsible for the procedure under trade and industrial law and the Federal Police may provide the responsible authority with unsolicited information including personal data where necessary to perform tasks of the authority with jurisdiction over weapons. The Federal Police shall be involved in the assessment pursuant to Section 8 no. 2.

(4) Subsection 3 third sentence shall apply accordingly to the transfer of information including personal data by the responsible authority where necessary to perform tasks pursuant to Section 31 (2) of the Trade Regulation Code.

(5) If the security operator has its headquarters in Germany, the licence shall be issued by the authority indicated in Section 48 (1) second sentence in consultation with the authority responsible for the principal place of business.

(6) A licence issued on the basis of Section 28 shall apply until 31 December 2013 for contracts pursuant to Section 31 of the Trade Regulation Code on the condition that the licence holder informs the responsible authority without delay that he is fulfilling or would like to fulfil contracts as referred to in Section 31 of the Trade Regulation Code. The responsible authority pursuant to Section 48 (1) first sentence shall provide the responsible authority pursuant to Section 48 (1) second sentence with this information and the records necessary to make the decision. If the licence holder referred to in the first sentence demonstrates to the responsible authority pursuant to Section 48 (1) second sentence his licence pursuant to Section 31 (1) of the Trade Regulation Code and that he meets the conditions in subsection 1, the authority shall issue a licence restricted to the performance of security tasks pursuant to Section 31 (1) of the Trade Regulation Code. Subsection 1 third sentence, subsection 2 first, fourth and fifth sentences and subsection 5 shall apply to this licence accordingly.

Chapter 5

Transferring weapons or ammunition into, through or out of the territory governed by the Act

Section 29

Transferring weapons or ammunition into the territory governed by this Act

(1) A licence to transfer guns or ammunition under Annex 1, Part 3 (categories A 1.2 through D) and other weapons or ammunition which may only be acquired or possessed with a licence into the territory governed by this Act may be granted if

1. the consignee is authorized to acquire or possess the said weapons or ammunition, and
2. a person authorized to acquire or possess these weapons or ammunition guarantees their safe transport.

(2) Where guns or ammunition pursuant to Annex 1, Part 3 (Categories A 1.2 through D) are to be transferred from another Member State of the European Union (Member State) into the territory governed by this Act, the licence pursuant to subsection 1 shall be granted by way of consent to the licence issued by the other Member State for the transfer concerned.

Section 30

Transferring weapons or ammunition through the territory governed by this Act

(1) A licence to transfer weapons or ammunition as defined in Section 29 (1) through the territory governed by this Act may be issued where safe transport is guaranteed by a party authorized to acquire or own these weapons or ammunition. Section 29 (2) shall apply accordingly.

(2) Where guns or ammunition pursuant to Annex 1, Part 3 (Categories A 1.2 to D) are to be transferred from a state which is not a Member State of the European Union (third country) through the territory governed by this Act to a Member State, the licence to transfer pursuant to subsection 1 shall also require the approval of the other Member State where the latter's prior approval is necessary.

Section 31

Transferring weapons or ammunition from the territory governed by this Act into other European Union Member States

(1) Permission to transfer guns or ammunition in accordance with Annex 1, Part 3 (categories A 1.2 through D) from the territory governed by this Act into another Member State may be given if the prior consent required by the law of the other Member State has been given and the person authorized to acquire or possess these weapons or ammunition guarantees their safe transport.

(2) Commercial weapons manufacturers or dealers (Section 21) may be granted general permission under subsection 1 to transfer weapons or ammunition from the territory governed by the act on weapons dealers into other Member States for up to three years. This permission may be restricted to certain types of guns or ammunition. The holder of permission as referred to in the first sentence shall provide the Federal Criminal Police Office with written notice before transferring any weapons or ammunition.

Section 32

Taking weapons or ammunition into, through or out of the territory governed by the Act

(1) A licence to take guns or ammunition as referred to in Annex 1, Part 3 (categories A 1.2 through D) and other weapons or ammunition, the acquisition and ownership of which require a licence, into or through the territory governed by this Act may be issued if the conditions stipulated in Section 4 (1) nos. 1 through 4 are met. The licence may be issued for up to one year for either a single journey or multiple journeys, and may be repeatedly extended for periods of one year. For persons from third countries, Section 30 (2) shall apply accordingly to taking guns or ammunition as referred to in Annex 1, Part 3 (Categories A 1.2 through D) through the territory governed by this Act and into another Member State.

(2) A licence pursuant to subsection 1 may be issued to persons intending to take guns as referred to in Annex 1, Part 3 (Categories A 1.2 through D) and the ammunition intended for them pursuant to subsection 1 who are ordinarily resident in another Member State only if they hold a European firearms pass issued by said Member State and the weapons are entered in the European firearms pass.

(3) A licence as referred to in subsection 1 shall not be required subject to the conditions of subsection 2 for

1. hunters taking up to three long firearms as referred to in Annex 1, Part 3, Categories C and D and the ammunition intended for them as defined in Section 13 (1), no. 2, subsection 5 for hunting purposes,
2. marksmen taking up to six guns as referred to in Annex 1, Part 3, Categories B, C, or D and the ammunition intended for them for the purpose of recreational shooting,
3. traditional marksmen taking up to three single-shot or repeating long firearms as referred to in Annex 1, Part 3, Categories C and D and the ammunition intended for them in order to take part in a traditional shooting event,

as long as they are able to substantiate the reason for taking said weapons and ammunition with them.

(4) By way of derogation from subsection 1, a licence may be issued to persons who are ordinarily resident in a third country for the purposes described in subsection 3, nos. 1 through 3 for the weapons and ammunition stated therein, unless there is reason to assume that the conditions stipulated in Section 4 (1) no. 2 are not met.

(5) No licence to take weapons or ammunition into or through the territory governed by this Act shall be required

1. for weapons or ammunition taken by holders of a licence to acquire or own the weapons or ammunition concerned, or
2. for weapons used as signalling devices and the ammunition intended for them which are carried on board ships for safety reasons, or
3. for weapons and ammunition taken on board ships or aircraft, kept in locked storage while within the territory governed by this Act, reported without delay to the competent supervisory authorities (including the manufacturer's mark or trademark, model and, if available, serial number) and removed within one month from the territory governed by this Act.

(6) Persons who are ordinarily resident in the territory governed by this Act and who wish to take guns or ammunition as referred to in Annex 1, Part 3 (categories A 1.2 through D) with them to another Member State shall be issued a European firearms pass if they are authorized to possess the weapons to be entered on the European firearms pass.

Section 33

Obligation to register weapons or ammunition to be transferred or taken into or through the territory governed by this Act and obligation to provide evidence of authorization

(1) Persons intending to transfer or take weapons or ammunition as defined in Section 29 (1) from a third country into or through the territory governed by this Act shall register these weapons or ammunition with the supervisory authorities in accordance with subsection 3 when transferring or taking such weapons or ammunition, provide evidence of their authorization to transfer or take them, and, on request, shall present the weapons or ammunition. On request, this evidence shall be handed over to the supervisory authorities for verification.

(2) The competent supervisory authorities pursuant to paragraph 3 may stop and inspect vehicles and containers as well as loading gear and the packing materials used, in order to check whether the provisions for transferring or taking weapons or ammunition into or through the territory governed by this Act have been met.

(3) The Federal Ministry of Finance shall designate the customs services and the Federal Ministry of the Interior shall designate the Federal Police authorities to be involved in supervising the transfer of weapons or ammunition. Where border patrol and immigration services are carried out by forces of the Länder (Section 2 (1) and (3) of the Act on the Federal Police), these shall also be involved in supervision.

Chapter 6

Duty to exercise proper care; reporting and notification requirements

Section 34

Handing over weapons or ammunition; examining the right of acquisition; reporting requirements

(1) Weapons or ammunition may be handed over only to authorized persons. This authorization must be obvious or verified. If they are handed over for the purpose of commercial transport, proper transport must be ensured and precautions must be taken against loss. Ammunition may be handed over commercially only in sealed packages; this shall not apply on shooting ranges in accordance with Section 12 (2) no. 2 or to individual pieces acquired by ammunition collectors. Anyone who hands over weapons or ammunition to another solely for the purpose of commercial transport (Section 12 (1) no. 2, (2) no. 1) to a third party shall be regarded as handing them over to the third party.

(2) The holder of a licence under Section 21 (1) first sentence who hands over a gun to another on the basis of a licence under Section 10 (1) or an equivalent licence shall

immediately and indelibly enter on the weapon owner's licence the manufacturer's mark or trademark and, if available, the serial number of the weapon, as well as the date handed over and the name and address of the company and shall report the handing over to the competent authorities in writing within two weeks. Any other person who hands over a gun requiring a licence shall report this in writing to the competent authorities within two weeks and, if this person has been issued a weapon owner's licence or European firearms pass, shall present the licence or pass to the authorities for correction; this shall not apply to the cases covered by Section 12 (1). The notification referred to in sentences 1 and 2 shall state the full name, date and place of birth and address of the recipient as well as the type and period of validity of the authorization to acquire and possess the gun. If this authorization is provided by a weapon owner's licence, the number of this licence and the issuing authority shall also be stated. If a gun is being handed over to a licence holder as referred to in Section 21 (1) first sentence, the notification need only state the name of the company and branch address.

(3) Subsections 1 and 2 shall not apply to persons who hand over guns or ammunition to someone who acquires them outside the territory governed by this Act, in particular if they are consigned in the name of the first person. The provisions of Section 31 shall remain unaffected.

(4) Anyone who hands over a gun as referred to in Annex 1, Part 3 (categories B and C) or ammunition to persons ordinarily resident in another Member State of the European Union shall report this in writing to the Federal Criminal Police Office without delay; this shall not apply to the cases covered by Section 12 (1) nos. 1 and 5.

(5) Anyone who hands over, consigns, or permanently transfers without change of ownership firearms requiring a licence as referred to in Annex 1, Part 1, Chapter 1, no. 2, excluding single-shot long firearms with a smooth-bore barrel or barrels and their essential components, silencers and portable objects as referred to in Annex 1, Part 1, Chapter 1, no. 1.2.1 to another person ordinarily resident in a contracting state to the Agreement of 28 June 1978 on the control of the acquisition and possession of guns by individuals (Federal Law Gazette 1980 II, p. 953) shall report this in writing to the Federal Criminal Police Office without delay. This shall not apply

1. when the objects referred to in sentence 1 are handed over or sent to a government body in one of these countries, or when guns are handed over to companies in order to carry out cooperation agreements between countries or government bodies, where the authorities in the receiving state present a certificate indicating that they are aware of this acquisition, or

2. where reporting requirements under subsection 4 or Section 31 (2) third sentence apply.

(6) In order to avert threats to human life and health, the Federal Ministry of the Interior shall be authorized to issue statutory instruments with the assent of the Bundesrat stipulating that the notification referred to in subsections 2, 4 and 5 shall contain additional information or that further documentation shall be enclosed with this notification.

Section 35

Advertising, information requirements, trade bans

(1) Anyone advertising weapons or ammunition for sale or exchange shall refer to the need for authorization to acquire the following types of weapons as follows:

1. guns and ammunition requiring a licence: available only to holders of a licence to acquire a weapon,

2. guns and ammunition not requiring a licence and other weapons: available only to persons over 18 years of age,

3. banned weapons: available only to holders of a special licence,

and shall state their name, address and, where applicable, their registered trademark. Advertising as referred to in sentence 1 may be published only if it contains the name and address of the seller and the reference required for the type of weapon advertised. The second sentence shall not apply to personal information provided by noncommercial sellers who object to providing such information. In case of sentence 3, the publisher of the advertisement shall be required to keep a record of the transaction for one year and to allow the competent authorities to inspect this record on request.

(2) The holder of a licence under Section 21 (1) who retails guns requiring a licence to carry or shoot shall inform the person acquiring them of this licence requirement. When selling weapons that fire blanks or irritants and weapons used for signalling as referred to in Section 10 (4) fourth sentence, the holder of a licence under Section 21 (1) shall further inform the person acquiring such weapons that carrying such weapons without a licence (minor firearms certificate) is a punishable offence, and shall document fulfilment of this obligation and the obligation to provide information pursuant to sentence 1.

(3) It shall be prohibited to sell or hand over guns, ammunition, or cutting or thrust weapons

1. as an itinerant trader, except in the cases referred to in Section 55b (1) of the Trades Regulation Code,
2. at scheduled events as defined in Chapter IV of the Trades Regulation Code (trade fairs, exhibitions, markets), although orders may be taken at trade fairs and exhibitions,
3. at festivals, shooting festivals, markets, collectors' meetings or similar public events, except for the handing over of the necessary guns and ammunition at a shooting range and ammunition which forms or is to form part of a collection (Section 17 (1)).

The competent authorities may grant exemptions from this ban in their district if this is not contrary to public interests.

Section 36

Storing weapons or ammunition

(1) Anyone who possesses weapons or ammunition shall take the necessary precautions to keep them from being lost or stolen by unauthorized third parties. Guns must be stored separately from ammunition, unless they are stored in a secure container which complies at least with the DIN/EN 1143-1 standard, resistance grade 0 (as of May 1997)¹ or an equivalent standard of another contracting state to the Convention on the European Economic Area (EEA Member State).

(2) Guns not exempted from the licence requirement and banned weapons shall be stored in a container which complies at least with the DIN/EN 1143-1 standard, resistance grade 0 (as of May 1997) or an equivalent; in particular, a security grade B container in accordance with VDMA (as of May 1995)^{2, 3} shall qualify as equivalent. Up to ten long firearms shall be deemed to be securely stored if they are stored in a security grade A container in accordance with VDMA 24992 (as of May 1995) or an equivalent standard of another EEA Member State. Rooms secured in a comparable manner shall be deemed equivalent.

(3) Anyone in possession of weapons, ammunition or banned weapons requiring a licence or anyone who has applied for a licence to own such items shall provide the competent authorities with proof of measures taken or planned for their secure storage. Owners of weapons, ammunition or banned weapons requiring a licence shall also grant the authorities access to the places in which weapons and ammunition are stored in order to check compliance with subsections 1 and 2. The authorities may enter living areas against the owner's will only to prevent an urgent threat to public security; the basic right to inviolability of the home (Article 13 of the Basic Law) shall therefore be limited to this extent.

(4) If the storage of weapons and ammunition, the acquisition and possession of which require a licence, does not comply with the requirements of this Act or of a statutory instrument pursuant to subsection 5, the owner shall have until 31 August 2003 to take the

necessary additional measures to ensure storage in compliance with these requirements. The competent authorities shall be notified of compliance within the deadline given in sentence 1, providing proof to this effect.

(5) The Federal Ministry of the Interior shall be authorized, after consulting the stakeholders, to issue statutory instruments with the assent of the Bundesrat and taking into account the state of the art, the type and number of weapons and ammunition, and the locality, waiving the storage requirements or stipulating additional requirements concerning the storage or security of weapons. Such orders may

1. define specifications for technical security systems to prevent the unauthorized removal or use of guns,
2. require the retrofitting or replacement of existing security systems,
3. require guns to be equipped with mechanical, electronic or biometric security systems.

(6) Where a higher standard of security is necessary in individual cases, in particular on account of the type and quantity of weapons or ammunition to be stored or the storage location, the competent authorities shall order the necessary additional measures and set an appropriate deadline for their implementation.

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

² The German engineering federation VDMA (Verband Deutscher Maschinen- und Anlagenbau e. V.)

³ Published by Beuth-Verlag GmbH, Berlin and Cologne.

Section 37 **Notification requirements**

(1) Anyone who takes possession of weapons or ammunition which may only be acquired with a licence

1. upon the death of the weapon's owner, as the finder or in a similar manner,
2. as a receiver, official receiver, sheriff's office or in a similar manner

shall notify the competent authorities without delay. The competent authorities may seize the weapons and ammunition or order that they be rendered unserviceable or handed over to an authorized party by a reasonable deadline and that this be proven to the competent authorities. If this deadline expires without the necessary action being taken, the competent authorities may seize the weapons or ammunition. Previous authorized parties under civil law shall be entitled to the proceeds from the sale of seized weapons and ammunition.

(2) Anyone who loses weapons or ammunition which may only be acquired with a licence, or who loses licence documents shall notify the competent authorities without delay and present the weapon owner's licence and European firearms pass, if available, for correction. The local authorities shall inform the local police of the loss for the purpose of investigation.

(3) If a gun which may only be acquired with a licence or a banned gun as referred to in Annex 2, Part 1, no. 1.2 is destroyed or rendered unserviceable in accordance with the requirements of Annex 1, Part 1, Chapter 1, no. 1.4, the owner shall notify the competent authorities in writing within two weeks and present the object to them on request. Notification shall include the owner's personal information and the type, calibre, manufacturer's mark and, if available, serial number of the gun.

(4) Upon moving abroad, holders of weapons licences and certificates shall report their new address to the authority with jurisdiction over arms which was responsible for their previous place of residence.

Section 38 **Duty to carry official documents**

Anyone carrying a weapon must also carry

1. his or her official identity card or passport, and
 - a) the weapon owner`s licence for weapons which may only be acquired with a licence, or, if a licence to carry the weapon is required, the weapons licence;
 - b) where a gun or ammunition as described in Section 29 (1) is transferred or taken into or through the territory governed by this Act from a third country in accordance with Section 29 (1), Section 30 (1) or Section 32 (1), the licence for transfer and, in the case of transfer on the basis of a licence pursuant to Section 32 (4), also confirmation of the reason for the transfer;
 - c) where a gun as referred to in Annex 1, Part 3 (categories A through D) is transferred in accordance with Section 29 (1) or Section 30 (1) from another Member State, the licence issued by this state or a certificate referring to this licence;
 - d) where a gun as referred to in Annex 1, Part 3 (categories A through D) is being taken from another Member State in accordance with Section 32 (1) through (3), the European firearms pass and, in case of Section 32 (3), also confirmation of the reason for taking the gun;
 - e) in the case of temporary authorization to acquire or carry on the basis of Section 12 (1) nos. 1 and 2 or Section 28 (4), confirmation of the name of the person from whom the weapon was acquired, the authorized owner and the date on which the weapon was acquired; or
 - f) in the case of shooting with a shooting licence under Section 10 (5), this licence; and
2. in the cases covered by Section 13 (6), the hunting licence
and shall present them upon request to the police or other persons authorized to conduct checks on persons. in the cases covered by Section 13 (3) and Section 14 (4) second sentence, written confirmation that the application deadline has not yet expired or that an application has been made shall suffice in place of a weapon owner`s licence. Sentence 1 shall not apply in the cases covered by Section 12 (3) no. 1.

Section 39

Obligation to provide information and present weapons; searches

(1) Anyone who manufactures or deals in weapons or who operates, uses or supervises a shooting range, operates a security firm, organizes courses in defensive shooting or otherwise possesses guns or ammunition shall provide the competent authorities with the information required to enforce this Act on request or, if this Act provides for a deadline, by such deadline. This obligation shall also apply to persons subject to a ban under Section 41 (1) or (2). These persons may refuse to answer such questions if answering would expose either them personally or relatives as referred to in Section 383 (1) nos. 1 through 3 of the Code of Civil Procedure to the risk of criminal prosecution or proceedings under the Administrative Offences Act. Licence holders shall also demonstrate compliance with conditions.

(2) If the person required to provide information manufactures or deals in weapons or operates a shooting range or security firm, the persons assigned by the competent authorities to monitor the business shall have the right to enter the business property and premises during business and working hours in order to carry out checks and inspections, take samples and examine business records. In order to prevent urgent threats to public security or order, these premises may also be inspected outside these times, and the living areas of the person required to provide information may be inspected against his or her will. The basic right to inviolability of the home (Article 13 of the Basic Law) shall therefore be limited to this extent.

(3) With good cause, the competent authorities may order owners of

1. weapons or ammunition which may only be acquired with a licence, or
2. banned weapons as described in Annex 2, Part 1

to present these weapons or ammunition along with licences or special licences within a reasonable deadline to be set by these authorities.

Chapter 7 Bans

Section 40 Banned weapons

(1) The handling ban shall also include a ban on instructing or ordering the manufacture of objects described in Annex 2, Part 1, no. 1.3.4.

(2) The ban on handling weapons or ammunition shall not apply to persons acting on a court or official order.

(3) By way of derogation from Section 2 (3), holders of a hunting licence and members of leather- or fur-processing trades may use fist knives pursuant to Annex 2, Part 1, no. 1.4.2, where they need such knives to pursue their activities. Holders of explosives permits (Sections 7 and 27 of the Explosives Act) and qualification certificates (Section 20 of the Explosives Act), and persons enrolled in official or officially recognized courses may, by way of derogation from Section 2 (3), handle explosive materials or objects as referred to in Annex 2, Part 1, no. 1.3.4, where required by the activity or training allowed by the permit or certificate. This shall apply in particular to demolition work, disaster management activities, theatres and similar institutions, film and television production and the training for such occupations.

(4) Upon application, the Federal Criminal Police Office may grant general or specific exemptions to the ban set out in Annex 2, Part 1, if the applicant's interests outweigh the public interest in enforcing the ban. In particular, this may be assumed to be the case if the weapons or ammunition listed in Annex 2, Part 1 are destined for transfer out of the territory governed by this Act, for scientific or research purposes or to expand a collection of cultural and historical significance and there is no reason to fear a significant threat to public security.

(5) Anyone who takes possession of a weapon listed in Annex 2, Part 1 as an heir, finder, or in a similar manner shall notify the competent authorities without delay. The competent authorities may seize the weapons or ammunition or order that they be rendered unserviceable, be modified so that they are no longer subject to a ban, or be handed over to an authorized person within a reasonable deadline, or may order the person who acquired them to submit an application in accordance with subsection 4. The ban on handling weapons or ammunition shall not take effect until the deadline has passed or the applicant is notified of a refusal under subsection 4.

Section 41 Specific weapon bans

(1) The competent authorities may ban a person from possessing weapons or ammunition which may be acquired without a licence and may ban the acquisition of such weapons or ammunition

1. if advisable to prevent threats to security or to control the handling of such objects, or
2. if there is reason to assume that the lawful owner or person wishing to acquire the object is dependent on alcohol or other intoxicating substances, is mentally ill or feeble-minded, or does not otherwise have the personal aptitude or reliability needed to acquire and possess such weapons or ammunition.

If sentence 1 no. 2 applies, the person in question shall be told that he may refute the assumed lack of personal aptitude by providing a certificate of physical or mental aptitude from a public health officer, specialist or psychologist; Section 6 (2) shall apply accordingly.
(2) The competent authorities may ban a person from possessing a weapon or ammunition which may only be acquired with a licence where a ban is advisable to prevent threats to security or to control the handling of such objects.
(3) The competent authorities shall notify the local police of any bans issued on the possession of weapons.

Section 42

Ban on carrying weapons at public events

(1) Anyone who takes part in public entertainment, festivals, sporting events, trade fairs, exhibitions, markets or similar public events may not carry weapons as defined in Section 1 (2).

(2) The competent authorities may grant general or specific exemptions to subsection 1 if

1. the applicant has the necessary reliability (Section 5) and personal aptitude (Section 6),
2. the applicant has proven that he cannot do without the weapon at the public event, and
3. there is no reason to fear any threat to public security or order.

(3) Section 38 notwithstanding, persons authorized under subsection 2 must also carry the exemption notice with them and present it for examination on request.

(4) Subsections 1 through 3 shall not apply

1. to persons taking part in theatrical or similar performances and for this purpose carrying unloaded guns or guns loaded with shell ammunition or weapons as defined in Section 1 (2) no. 2,
2. to shooting on shooting ranges (Section 27),
3. where a shooting licence has been obtained in accordance with Section 10 (5),
4. to commercial displays of the weapons referred to in subsection 1 at trade fairs and exhibitions.

(5) The Land governments shall be authorized to enact statutory instruments stipulating that carrying weapons within the meaning of Section 1 (2) may be prohibited or restricted as a general rule or in individual cases on certain public roads, streets or pathways or in certain public places where

1. criminal offences using weapons or
2. robberies, bodily harm, threats, intimidation, sexual offences, unlawful deprivations of liberty or criminal acts against life

have been committed repeatedly and where there is reason to assume that such criminal offences will continue to occur in the future. The statutory instrument pursuant to sentence 1 shall stipulate that the competent authorities may permit exemptions as a general rule or in individual cases, in particular for holders of weapons licences, local residents and persons engaged in a trade or business, provided that there is no reason to fear any threat to public security. Subsection 3 shall apply accordingly in cases covered by sentence 2. The Land governments may delegate their authority under sentence 1 in conjunction with sentence 2 to the competent supreme Land authority by way of statutory instrument; the latter may further delegate this authority by way of statutory instrument.

Section 42a

Ban on carrying fake guns and certain portable objects

- (1) It shall be prohibited to carry
1. fake guns,
 2. cutting and thrust weapons pursuant to Annex 1, Part 1, Chapter 2, no. 1.1, and
 3. knives with a blade which can be fixed with one hand (one-hand knives) or fixed knives with a blade length of over 12 cm.
- (2) Subsection 1 shall not apply
1. for use in connection with photographic sessions, film or television recordings or theatre performances,
 2. to transport in a locked container,
 3. to carrying of the objects pursuant to subsection 1, nos. 2 and 3, where a legitimate interest applies.

Further provisions shall remain unaffected.

(3) A legitimate interest under subsection 2, no. 3 shall apply in particular when the stated objects are carried in connection with the carrier's occupation, in order to preserve traditions, for sports or a generally recognized purpose.

Part 3

Miscellaneous provisions

Section 43

Collecting and transmitting personal data

- (1) The authorities responsible for enforcing this Act may collect personal data without consulting the data subject in the cases covered by Section 5 (5) and Section 6 (1) third and fourth sentences. Other provisions of federal or Land law allowing or requiring the collection of data without consulting the data subject shall remain unaffected.
- (2) At the request of the competent authorities, public bodies within the territory governed by this Act shall be required to transmit personal data within the scope of their powers of transmission unless the data must be kept secret due to overriding public interests.

Section 43a

National weapons register

A National Weapons Register shall be established by 31 December 2012, in which in particular guns requiring a licence and information on buyers, owners and former owners of these guns shall be recorded for the entire country and kept up to date in a form which can be searched and analysed electronically.

Section 44

Transmission to and from registration authorities

- (1) The authority responsible for issuing a weapons licence shall notify the registration authority responsible for the applicant upon issuing a licence for the first time. It shall also notify the said authority when a person no longer holds any weapons licences.
- (2) The registration authorities shall notify the weapons-licensing authorities when residents who are registered as holders of a weapons licence change their name, die, or move into or away from the area over which the authorities concerned have jurisdiction.

Section 44a

Official records retention requirements

- (1) The authorities responsible for enforcing this Act shall retain all documents necessary to ascertain current and previous ownership and to trace the sale of weapons.

(2) The obligation to retain such records shall apply both to the authorities' own documentation and to weapon manufacturers' logs and weapon dealers' logs acquired by the authorities pursuant to Section 17 (6) second and third sentences of the General Ordinance on the Weapons Act of 27 October 2003 (Federal Law Gazette I, p. 2123), most recently amended by Article 2 of the Act of 26 March 2008 (Federal Law Gazette I, p. 426).
(3) A minimum retention period of 30 years shall apply for weapon manufacturers' logs. A minimum retention period of 20 years shall apply for all other documentation, including import and export records.

Section 45 **Withdrawal and revocation**

(1) Licences granted under this Act shall be withdrawn if it becomes clear after the fact that the licences should not have been granted.
(2) Licences granted under this Act shall be revoked if circumstances later arise which would have resulted in the licence application being refused. Licences granted under this Act may also be revoked if material restrictions are not observed.
(3) By way of derogation from subsection 2 first sentence, revocation may be dispensed with if the need ceases temporarily or, for specific reasons, also permanently. Sentence 1 shall not apply to licences to carry a weapon.
(4) If the person in question refuses to assist the authorities when checking whether the conditions stipulated in this Act or in an ordinance issued on the basis of this Act still apply, and their failure to do so would constitute grounds for withdrawing or revoking a licence, the authorities may assume that they no longer apply. The person in question shall be informed of this fact.
(5) Objections and actions for the rescission of measures pursuant to subsection 1 and subsection 2 first sentence shall have no suspensory effect where licences are withdrawn or revoked because the conditions pursuant to Section 4 (1) no. 2 do not or no longer apply.

Section 46 **Further measures**

(1) If licences granted under this Act are withdrawn or revoked, the licence holder shall immediately return all copies of the licence to the competent authorities. The same shall apply when the licence expires.
(2) If a person has acquired or lawfully possessed weapons or ammunition pursuant to a licence which is withdrawn, revoked or expires and the person still possesses the said weapons or ammunition, the competent authorities may order this person to render the weapons or ammunition permanently unserviceable or hand them over to an authorized person and provide the authorities with proof of having done so within a reasonable deadline. If this deadline expires without the necessary action being taken, the competent authorities may seize the weapons or ammunition.
(3) If a person is in possession of a weapon or ammunition without the necessary licence or in violation of an enforceable ban under Section 41 (1) or (2), the competent authorities may order the person to

1. render the weapon or ammunition permanently unserviceable or hand it over to an authorized person, or
2. modify a banned weapon or ammunition so that it is no longer subject to a ban, and
3. provide the authorities with proof of having done so.

If this deadline expires without the necessary action being taken, the competent authorities may seize the weapons or ammunition.
(4) The competent authorities may seize licences as well as weapons and ammunition referred to in subsections 2 and 3 immediately

1. where an enforceable ban has been issued under Section 41 (1) or (2), or
2. where there is reason to assume that the weapons or ammunition are being misused or are to be acquired by an unauthorized person.

For this purpose, officers of the competent authorities shall be authorized to enter the home of the persons in question and search for documents, weapons or ammunition; searches may be ordered only by a judge or, in case of imminent danger, by the competent authorities. The basic right to inviolability of the home (Article 13 of the Basic Law) shall therefore be limited to this extent. Objections or appeals shall not stay the procedure.

(5) If the previous owner fails to name an authorized recipient within one month for weapons or ammunition seized by the competent authorities or fails to apply within the same period for exceptional permission under Section 40 (4), the competent authorities may sell or destroy the seized weapons or ammunition. The competent authorities shall have the same powers if an application for exceptional permission for banned weapons or ammunition submitted before or less than one month after the seizure of banned weapons or ammunition is rejected without the possibility of appeal under Section 40 (4). Previous authorized parties under civil law shall be entitled to the proceeds from the sale of seized weapons and ammunition, less any administrative fees, after the cost of seizure, storage and sale have been deducted.

Section 47

Ordinances to fulfil international agreements or to approximate to Community law

The Federal Ministry of the Interior shall be authorized to issue statutory instruments with the assent of the Bundesrat to fulfil obligations arising from international agreements or binding resolutions of the European Union pertaining to the area covered by this law, especially in order to

1. set requirements for handing over or transferring weapons or ammunition to persons ordinarily resident outside the territory governed by the Act, and
2. regulate weapons or ammunition transferred or temporarily brought into the territory governed by this Act, and
3. regulate the certificates, notifications and official measures required for the purposes of nos. 1 and 2.

Section 48

Material jurisdiction

(1) The Land governments or bodies designated by them by statutory instrument may determine by statutory instrument which authorities shall be responsible for enforcing this Act, unless this is the responsibility of federal authorities. In derogation of the first sentence, the authority with jurisdiction over weapons for the territory of the Free and Hanseatic City of Hamburg shall be responsible for issuing licences to security operators for security tasks pursuant to Section 28a (1) first sentence.

(1a) The state governments or offices designated by them through statutory instrument shall determine by means of statutory instrument the responsible contact point pursuant to Article 6 (5) second sentence of Regulation (EU) No 1214/2011 of the European Parliament and of the Council of 16 November 2011 on the professional cross-border transport of euro cash by road between euro-area Member States (OJ L 316 of 29 November 2011, p. 1).

(2) The Federal Office of Administration shall be the authority responsible for

1. foreign diplomats, consular officials and equivalent privileged foreigners,
2. foreign nationals of foreign military forces stationed in the Federal Republic of Germany and their spouses and dependent children,
3. persons deployed to protect foreign aircraft and seagoing vessels, and

4. German nationals as defined in Article 116 of the Basic Law who are ordinarily resident outside the territory governed by this Act; this shall not apply to the persons referred to in Sections 21 and 28 when the enterprise is located within the territory governed by this Act.

(3) The Federal Criminal Police Office shall be responsible for the decisions pursuant to Section 2 (5).

(3a) The Federal Office of Economics and Export Control shall be the authority responsible for issuing export authorizations pursuant to Article 4 of Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol), and establishing export authorization, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94 of 30 March 2012, p. 1).

(4) Administrative procedures pursuant to or based on this Act may be carried out by a single office in accordance with the provisions of the Administrative Procedures Act.

Section 49 Local jurisdiction

(1) The provisions of the Code of Administrative Procedure governing local jurisdiction shall apply, with the proviso that

1. applicants or licence holders not ordinarily resident within the territory governed by this Act shall come under the local jurisdiction of

- a) the authorities in whose district they reside or wish to reside, or
- b) where there is no apparent wish to become resident, the authorities in whose district the border was crossed;

2. applicants or licence holders in accordance with Section 21 (1) and security firms shall come under the local jurisdiction of the authorities in whose district they have established or intend to establish their business headquarters.

(2) By way of derogation from subsection 1,

1. shooting licences under Section 10 (5) shall come under the local jurisdiction of the authorities in whose district shooting is to take place, unless the Länder have made other arrangements under Section 48 (1);

2. in the case of permanent shooting ranges, licences under Section 27 (1) and measures pursuant to statutory instruments under Section 27 (7) shall come under the local jurisdiction of the authorities in whose district the permanent shooting range is or is to be operated or modified;

3.

a) in the case of mobile shooting ranges, licences under Section 27 (1) and measures pursuant to statutory instruments under Section 27 (7) shall come under the local jurisdiction of the authorities in whose district the operator is ordinarily resident;

b) terms and conditions applicable to the shooting ranges referred to under a) shall come under the local jurisdiction of the authorities in whose district the shooting range is to be set up;

4. special licences under Section 35 (3) second sentence shall come under the local jurisdiction of the authorities in whose district the activity is to be carried out;

5. special licences under Section 42 (2) shall come under the local jurisdiction of the authorities in whose district the event is to take place or, where special licences are issued for several events in different districts, the authorities in whose district the first event is to take place;

6. seizure under Section 46 (2) second sentence, (3) second sentence, and (4) first sentence, shall also come under the local jurisdiction of the authorities in whose district the object is located.

Section 50

Costs

(1) Costs (fees and expenses) shall be charged for official acts, testing and investigations under this Act and the statutory instruments issued pursuant to it.

(2) The Federal Ministry of the Interior shall be authorized, in agreement with the Federal Ministry of Economics and Technology, to issue statutory instruments, which shall not require the assent of the Bundesrat, for the area of federal administration specifying when fees must be charged and setting fixed or basic rates. The rates shall be calculated to cover the personnel and material costs incurred during official acts, testing or investigations; suitable account may be taken of the significance, economic value or other benefit to the person required to pay the fee of favourable official acts. The Administrative Expenses Act shall apply.

(3) The statutory instruments under subsection 2 may stipulate that the fee payable for testing or investigation may also be levied if the examination or investigation could not be conducted on the appointed date or had to be interrupted for reasons beyond the control of the examining or investigating agency and without sufficient excuse on the part of the applicant. Further, these statutory instruments may derogate from the provisions of the Administrative Expenses Act with regard to exemptions, creditors, debtors, the extent of expenses to be reimbursed and the levying of costs.

Part 4

Punishment and fines

Section 51

Criminal offences

(1) Anyone who, in violation of Section 2 (1) or (3), in each case in conjunction with Annex 2, Part 1, no. 1.2.1, acquires, possesses, hands over, carries, transfers, manufactures, modifies, repairs or deals in guns for shooting fixed ammunition under Annex 1, Part 1, Chapter 3, no. 1.1 shall be punishable with imprisonment of one to five years.

(2) In particularly serious instances, the penalty shall be imprisonment for one to ten years. A particularly serious instance shall generally be deemed to apply when the offender acts for gain or as a member of a gang formed for the purpose of committing such offences on a continuing basis, with the involvement of another gang member.

(3) In less serious instances, a prison term of up to three years or a fine shall apply.

(4) Cases of negligence shall be punishable with a prison term of up to two years or a fine.

Section 52

Criminal offences

Anyone who

1. in violation of Section 2 (1) or (3), in each case in conjunction with Annex 2, Part 1, no. 1.1 or 1.3.4, acquires, possesses, hands over, carries, transfers, manufactures, modifies, repairs or deals in guns or objects referred to therein

2. without a licence pursuant to

- a) Section 2 (2) in conjunction with Annex 2, Part 2, Chapter 1, first sentence, acquires a gun or ammunition with the intention of handing them over to an unauthorized party in violation of Section 34 (1) first sentence,
 - b) Section 2 (2) in conjunction with Annex 2, Part 2, Chapter 1, first sentence, acquires, possesses or carries a semi-automatic short firearm for shooting shell ammunition pursuant to Annex 1, Part 1, Chapter 3, no. 1.1,
 - c) Section 2 (2) in conjunction with Annex 2, Part 2, Chapter 1, first sentence in conjunction with Section 21 (1), first sentence or Section 21a, manufactures, modifies, repairs or deals in guns or ammunition,
 - d) Section 2 (2) in conjunction with Annex 2, Part 2, Chapter 1, first sentence in conjunction with Section 29 (1), Section 30 (1), first sentence or Section 32 (1) first sentence, transfers or takes a gun or ammunition into or through the territory governed by this Act,
3. in violation of Section 35 (3) first sentence, sells or hands over to other parties a gun, ammunition or a cutting or thrust weapon as an itinerant dealer or at an event referred to in the aforesaid provision, or
 4. in violation of Section 40 (1), incites or calls upon other parties to manufacture one of the objects stated therein
- shall be punishable with a term of imprisonment between six months and five years.
- (2) Any attempt to commit such offences shall be punishable.
- (3) Anyone who
1. in violation of Section 2 (1) or (3), in each case in conjunction with Annex 2, Part 1, nos. 1.2.2 through 1.2.5, 1.3.1 through 1.3.3, 1.3.5, 1.3.7, 1.3.8, 1.4.1 first sentence, nos. 1.4.2 through 1.4.4 or 1.5.3 through 1.5.7 acquires, possesses, hands over, carries, transfers, manufactures, modifies, repairs or deals in guns or objects referred to there,
 2. without a licence pursuant to Section 2 (2) in conjunction with Annex 2, Part 2, Chapter 1 first sentence
 - a) acquires, possesses or carries a gun, or
 - b) acquires or possesses ammunition,
- where the offence is not punishable under subsection 1 no. 2a or b,
3. manufactures, modifies or repairs a gun without a licence pursuant to Section 2 (2) in conjunction with Annex 2, Part 2, Chapter 1 first sentence and Section 26 (1) first sentence,
 4. without a licence pursuant to Section 2 (2) in conjunction with Annex 2, Part 2, Chapter 1 first sentence and Section 31 (1) transfers a gun or ammunition referred to there to another Member State,
 5. carries a gun in violation of Section 28 (2) first sentence,
 6. hands over to another person a gun or ammunition in violation of Section 28 (3) second sentence,
 7. hands over to an unauthorized person a gun or ammunition requiring a licence in violation of Section 34 (1) first sentence,
 8. violates an enforceable order pursuant to Section 41 (1) first sentence or (2),

9. carries a weapon in violation of Section 42 (1), or

10. has a gun or ammunition in his possession in violation of Section 57 (5) first sentence.

(4) If in the cases referred to in subsection 1 nos. 1 and 2 b, c, or d or no. 3 or subsection 3, the person has acted negligently, the punishment for the offences referred to in subsection 1 shall be up to two years in prison or a fine, and for the offences referred to in subsection 3 up to one year in prison or a fine.

(5) In particularly serious cases, the punishment for offences referred to in subsection 1 no. 1 shall be one to ten years in prison. A particularly serious case shall generally be deemed to apply when the offender acts for gain or as a member of a gang formed for the purpose of committing such offences on a continuing basis, with the involvement of another gang member.

(6) In less serious cases, the punishment for offences referred to in subsection 1 shall be a prison term of up to three years or a fine.

Section 52a Criminal offences

Anyone who intentionally commits an act referred to in Section 53 (1) no. 19, thereby causing a risk that a gun or ammunition is lost, stolen or subject to unauthorized access, shall be subject to punishment of up to three years in prison or a fine.

Section 53 Fines

(1) Anyone who deliberately or negligently

1. in violation of Section 2 (1) acquires or possesses a weapon or ammunition not requiring a licence,

2. in violation of Section 2 (1) or (3), in each case in conjunction with Annex 2, Part 1, no. 1.3.6, acquires, possesses, hands over, carries, transfers, manufactures, modifies, repairs or deals in guns or objects referred to there,

3. shoots a gun without a licence under Section 2 (2) in conjunction with subsection 4, this in conjunction with Annex 2, Part 2, Chapter 1 first sentence,

4. violates an enforceable condition under Section 9 (2) first sentence, Section 10 (2) third sentence, Section 17 (2) second sentence, Section 18 (2) second sentence or Section 28a (1) third sentence, or an enforceable order pursuant to Section 9 (3), Section 36 (3) first sentence or (6), Section 37 (1) second sentence, Section 39 (3), Section 40 (5) second sentence, or Section 46 (2) first sentence or (3) first sentence,

5. fails to notify or to do so correctly, completely, in the required form or on time in violation of Section 10 (1a), Section 21 (6) first and fourth sentences, Section 24 (5), Section 27 (1) sixth sentence or (2) second sentence, Section 31 (2) third sentence, Section 34 (2) first or second sentences, (4) or (5) first sentence, Section 36 (4) second sentence, Section 37 (1) first sentence, (2) first sentence or (3) first sentence, or Section 40 (5) first sentence,

6. fails to notify or to do so correctly, completely or on time in violation of Section 10 (2) fourth sentence or Section 37 (4),

7. fails to apply for a new weapon owner's licence or for weapons to be entered on an existing weapon owner's licence in violation of Section 13 (3) second sentence, Section 14 (4) second sentence or Section 20 (1), or fails to present a European firearms pass or to do so on time in violation of Section 34 (2) second sentence,

8. fails to keep a weapon manufacturer`s log or a weapon dealer`s log, or fails to do so correctly or completely in violation of Section 23 (1) first sentence or (2) first sentence, each in conjunction with a statutory instrument pursuant to Section 25 (1) no. 1 a,
9. fails to attach a mark or ammunition designation to a gun or to do so correctly, completely, in the required form or on time, or fails to attach a special mark on ammunition or to do so correctly, completely, in the required form or on time in violation of Section 24 (1), also in conjunction with a statutory instrument pursuant to Section 25 (1) no. 1 c or no. 2 a, or Section 24 (2) or (3) first and second sentences, also in conjunction with a statutory instrument pursuant to Section 25 (1) no. 1 c,
10. hands over a gun or ammunition to other persons on a commercial basis in violation of Section 24 (4),
11. operates a shooting range or fundamentally alters the structure or use of a shooting range without a licence under Section 27 (1) first sentence,
12. allows a child or young person to shoot in violation of Section 27 (3) first sentence nos. 1 and 2, or fails to ensure that the supervisor attends to only one person shooting in violation of Section 27 (6) second sentence,
13. fails to keep documentation in violation of Section 27 (3) second sentence, or fails to hand over such documentation in violation of Section 27 (3) third sentence,
14. fails to carry a certificate in violation of Section 27 (5) second sentence,
15. fails to report a gun or ammunition or fails to present a gun or ammunition or to do so on time in violation of Section 33 (1) first sentence,
16. in violation of Section 34 (1) first sentence, hands over to an unauthorized person a gun or ammunition not requiring a licence,
17. fails to keep a record or fails to allow it to be inspected completely or on time in violation of Section 35 (1) fourth sentence,
18. in violation of Section 35 (2), fails to provide information, provides incorrect or incomplete information, fails to provide information on time or fails to record compliance with an obligation stipulated therein or records such compliance incorrectly, incompletely or does not record compliance on time,
19. stores a gun in violation of Section 36 (1) second sentence or (2),
20. in violation of Section 38 (1) fails to carry a document referred to there, or fails to hand over such a document or to do so on time,
21. fails to provide information or to do so correctly, completely or on time in violation of Section 39 (1) first sentence,
- 21a. carries a fake gun, a cutting or thrust weapon or a knife as specified in Section 42a (1) in violation of the same,
22. fails to return a copy of a licence or fails to do so on time, in violation of Section 46 (1) first sentence, also in conjunction with the second sentence, or
23. violates a statutory instrument pursuant to Section 15a (4), Section 25 (1) no. 1 b, Section 27 (7), Section 36 (5), Section 42 (5) first sentence, also in conjunction with the second sentence, or Section 47, or violates an enforceable order pursuant to such an instrument, where the statutory instrument refers to the present provisions on fines for a specific offence

shall be deemed to have committed an administrative offence.

(2) Administrative offences may be punished by a fine of up to ten thousand euros.

(3) The authority responsible for issuing licences in accordance with Section 21 (1) no. 1 shall be the administrative authority as defined in Section 36 (1) no. 1 of the Administrative Offences Act, where this Act is enforced by the national metrology institute PTB, the Federal Office of Administration or the Federal Criminal Police Office.

Section 54

Seizure and extended forfeiture

(1) If a criminal offence has been committed under Section 51, 52 (1), (2) or (3) no. 1, 2 or 3 or (5), objects

1. connected with this offence, or
2. produced by or used to commit or prepare or intended for the offence

shall be seized.

(2) If another criminal offence pursuant to Section 52 or an administrative offence pursuant to Section 53 has been committed, objects specified in subsection 1 may be seized.

(3) Section 74a of the Criminal Code and Section 23 of the Administrative Offences Act shall apply. Section 73 d of the Criminal Code shall apply to the cases referred to in Sections 51 and 52 (1) or (3) nos. 1 through 3 if the offender is acting on a commercial basis or as a member of a gang formed for the purpose of committing such offences on a continuing basis.

(4) An order to submit a decision of the competent authorities on granting a licence in accordance with Section 10 or to hand over the objects to an authorized party within a reasonable deadline shall also be deemed a measure as defined in Section 74b (2) second sentence of the Criminal Code.

Part 5

Exemptions from the application of the Act

Section 55

Exemptions for supreme federal and Land authorities, the Bundeswehr, police and customs administration, authorized officials in serious danger and employees of other countries

(1) Unless express provision is made to the contrary, this Act shall not apply to

1. supreme federal and Land authorities or the German Bundesbank,
2. the Bundeswehr and foreign military forces stationed in the Federal Republic of Germany,
3. federal and Land police, or
4. the customs administration

and their employees while acting on duty. In the case of police officers and customs officers with enforcement duties, this shall also apply, where they have been authorized for the purpose by service regulations, to the possession of service weapons and ammunition and to carrying these weapons when they are off duty.

(2) Persons in serious danger due to their duties on behalf of the federal or a Land government shall be issued a certificate stating that they are authorized to acquire and possess weapons and ammunition and to carry these weapons in lieu of a weapon owner's licence, weapons licence or special licence under Section 42 (2). These certificates shall be limited to the expected duration of the danger. Certificates for authorized federal officials shall be issued by the Federal Ministry of the Interior or a body designated by it.

(3) This Act shall not apply to employees of other countries with service weapons or ammunition, if these employees are acting on the basis of an intergovernmental agreement or a request or the general or specific consent of the responsible domestic authority or agency within the territory governed by this Act and if the intergovernmental agreement, request or consent does not specify otherwise.

(4) Section 40 shall not apply to weapons or ammunition transferred into or manufactured in the territory governed by this Act for the bodies listed in subsection 1 first sentence and handed over to them.

(4a) In addition to the general markings specified for weapons (Section 24), additional markings indicating the bodies authorized to use the weapons shall be applied to weapons transferred into the territory governed by this Act for the bodies listed in subsection 1 first sentence or manufactured and handed over to these bodies. Weapons which are no longer at the disposal of the state and which are permanently transferred to civilian use shall be indicated as such by the additional permanent application of two horizontal lines. The body referred to in subsection 1 first sentence which was authorized to use the weapon shall remain identifiable.

(5) The Federal Government may issue statutory instruments not requiring the assent of the Bundesrat containing regulations equivalent to those in subsection 1 first sentence for other federal authorities and agencies. The Federal Government may issue statutory instruments not requiring the assent of the Bundesrat delegating the powers referred to in the first sentence to another federal authority.

(6) The Land governments may issue statutory instruments containing regulations equivalent to those in subsection 5 first sentence for other Land authorities and agencies. The Land governments may delegate the powers referred to in the first sentence to other Land authorities.

Section 56

Special provisions applicable to state and other visitors

Section 10 and Part 2, Chapter 5 shall not apply to

1. state visitors from other countries,
2. other public figures from other countries who are in serious danger visiting the territory governed by this Act, and
3. persons from other countries responsible for protecting the persons referred to in nos. 1 and 2,

where the Federal Office of Administration or, if these persons are not guests of the Federation, the competent authorities under Section 48 (1) have issued a certificate to that effect. This certificate, of which the persons in question need not be aware in order for it to take effect, shall be issued if this is in the public interest, in particular to comply with intergovernmental protocol for such visits. It must be guaranteed that guns or ammunition transferred into or acquired within the territory governed by this Act are transferred out of the territory governed by this Act or handed over to an authorized person after the visit has ended. If the Federal Office of Administration is unable to act in time in the cases referred to in the first sentence, the competent authorities under Section 48 (1) shall decide whether to issue a certificate. The Federal Office of Administration shall be informed of the decision taken.

Section 57

Weapons of war

(1) This Act shall not apply to weapons of war as defined in the War Weapons

(2) If the annex to the War Weapons Control Act (List of Weapons of War) is amended and portable guns no longer qualify as weapons of war, persons who have permission or confirmation from the competent authorities proving they are authorized to possess such weapons shall present this permission or confirmation to the competent authority under

Section 48 (1); this authority shall issue a weapon owner's licence or shall amend an existing weapon owner's licence if there are no grounds for refusal as set out in subsection 4. Other persons in possession of such weapons may apply to the competent authorities under Section 48 (1) for a weapon owner's licence within six months of the date on which the amended List of Weapons of War enters into force, unless possession of the weapons was to be reported under Section 59 (2) of the Weapons Act in the version in force before 1 July 1976 or an application was to be submitted under Section 58 (1) of the Weapons Act in the version in force before 1 April 2003 and the person in possession failed to report or apply.

(3) If the Annex to the War Weapons Control Act (List of Weapons of War) is amended and ammunition for portable weapons of war no longer qualifies as a weapon of war, persons who possess such ammunition when the amendment to the List of Weapons of War takes effect shall apply for a licence in accordance with Section 10 (3) from the competent authorities under Section 48 (1) within six months, unless they are already authorized to possess such ammunition.

(4) The weapon owner's licence under subsection 2 and the ammunition owner's licence under subsection 3 may be refused only if there is reason to believe that the applicant does not have the necessary reliability or personal aptitude.

(5) If no application is made in accordance with subsection 2 second sentence or subsection 3, or if the weapon or ammunition owner's licence is refused with no right of appeal, possession of the guns or ammunition must cease on expiry of the application deadline or rejection of the application. Section 46 (2) shall apply accordingly.

Part 6

Transitional provisions, administrative provisions

Section 58

Old stock

(1) Unless provision is made to the contrary hereinafter, licences as defined in the Weapons Act in the version as promulgated on 8 March 1976 (Federal Law Gazette I, p. 432), last amended by the Act of 21 November 1996 (Federal Law Gazette I, p. 1779) shall continue to be valid. A licence to acquire ammunition shall also authorize the licence holder to possess such ammunition. Where a person has lawfully acquired ammunition prior to this Act's entry into force, and this ammunition becomes subject to a licence requirement by virtue of this Act and the ammunition concerned is still in the person's possession when this Act enters into force, the person concerned shall register this ammunition in writing with the competent authorities by 31 August 2003. The registration shall specify the owner's personal details and the types of ammunition. Proof of registration in accordance with the stated deadline shall be deemed to constitute a licence to possess the ammunition concerned.

(2) Licences for guns of war issued on the basis of the Weapons Act in the version as promulgated on 8 March 1976 (Federal Law Gazette I, p. 432) shall expire on the first day of the sixth month following the date on which this Act enters into force.

(3) If no decision has yet been taken on an application for a licence under Section 7 of the Weapons Act in the version as promulgated on 8 March 1976 (Federal Law Gazette I, p. 432) filed before this Act entered into force, the decision on the application shall be taken in accordance with Section 21 of this Act.

(4) Certificates in accordance with Section 6 (2) of the Weapons Act in the version as promulgated on 8 March 1976 (Federal Law Gazette I, p. 432) shall qualify to the same extent as previously as certificates in accordance with Section 55 (2) of this Act.

(5) Special licences in accordance with Section 37 (3) and Section 57 (7) of the Weapons Act in the version as promulgated on 8 March 1976 (Federal Law Gazette I, p. 432) shall qualify to the same extent as previously as special licences in accordance with Section 40

(4) of this Act.

(6) Bans issued under Section 40 (1) of the Weapons Act in the version as promulgated on 8 March 1976 (Federal Law Gazette I, p. 432) shall qualify to the same extent as previously as bans under Section 41 of this Act.

(7) If, on 1 April 2003, a person is in possession of a weapon as defined in Annex 2, Part 1 of this Act not previously subject to a ban in accordance with Section 37 (1) of the Weapons Act in the version as promulgated on 8 March 1976 (Federal Law Gazette I, p. 432), the ban shall not take effect if he renders the weapon unserviceable, hands it over to an authorized person or files an application in accordance with Section 40 (4) of this Act by 31 August 2003. Section 46 (3) second sentence and subsection 5 shall apply accordingly.

(8) Anyone who renders unserviceable weapons which were no longer legal as of 25 July 2009, hands over such weapons to an authorized person or to the competent authorities or a police station by 31 December 2009 shall not be punished for unlawful acquisition, unlawful possession or unlawful transfer. Sentence 1 shall not apply where

1. the previous owner of the weapon was notified that criminal proceedings or proceedings to impose a fine had been initiated on account of the offence before the weapon was rendered unserviceable, handed over or surrendered, or
2. the violation had already been partially or completely discovered by the time the weapon was rendered unserviceable, handed over or surrendered and the previous owner was aware of this or must have expected this in due consideration of the circumstances.

(9) Anyone under 25 years of age who is in possession of a gun on 1 April 2003 with a licence based on the Weapons Act in the version as promulgated on 8 March 1976 (Federal Law Gazette I, p. 432) shall submit a certificate of mental aptitude from a public health officer, specialist or psychologist pursuant to Section 6 (3) to the competent authorities at their own expense within one year.

Sentence 1 shall not apply to the acquisition and ownership of guns as referred to in Section 14 (1) second sentence and in the cases covered by Section 13 (2) first sentence.

(10) The licence requirement for guns as defined in Annex 2, Part 2, Chapter 1, third sentence shall apply only as of 1 October 2008 to guns acquired prior to 1 April 2008.

(11) Where a person was in possession on 1 April 2008 of a weapon which was not previously banned in accordance with Annex 2, Part 1, no. 1.2.1.2 of this Act, this ban shall not apply if the person concerned renders the said weapon unserviceable or hands it over to an authorized person, the competent authorities or a police station or submits an application pursuant to Section 40 (4) of this Act by 1 October 2008. Section 46 (3) second sentence and subsection 5 shall apply accordingly.

(12) Where the holder of a weapon owner's licence is in possession on 1 April 2008 of parts of guns as defined in Annex 2, Part 2, Chapter 2, no. 2 which were acquired without a licence requirement, such parts shall be entered on the weapon owner's licence by 1 October 2008.

Section 59

Administrative provisions

The Federal Ministry of the Interior shall issue general administrative regulations governing the acquisition and carrying of guns by authorities and employees within its remit, and governing the carrying of guns by authorized officials in serious danger as referred to in Section 55 (2); the other supreme federal authorities and the German Bundesbank shall issue administrative regulations for the area within their remit in agreement with the Federal Ministry of the Interior.

Annex 1 (to Section 1 (4))

Definitions

(Reference: Federal Law Gazette I 2002, 3994 – 3998; see footnote regarding the individual amendments)

Part 1: Technical definitions of weapons and ammunition, classification of objects
Chapter 1: Guns

1. Guns for the purpose of Section 1 (2) no. 1

1.1 Guns

Guns shall mean objects designed for attack or defence, for signalling, for hunting, for firing darts, for sport or for recreation which propel a projectile through a barrel.

1.2 Portable objects

Guns shall be equivalent to portable objects,

1.2.1 designed to fire ammunition for the purposes listed in no. 1.1,

1.2.2 designed for firing fixed bodies at a target, the driving power of which is provided by muscle power and can be stored by a stopping device (e. g. crossbows); this shall not apply to solid bodies provided with elastic tips (e. g. rubber suction cups) where the maximum kinetic energy of the projectiles' tips does not exceed 0.16 J/cm²;

1.3 Essential components of guns, silencers

Unless this Act stipulates otherwise, essential components of guns and silencers shall be equivalent to the guns for which they are intended. This shall apply even if they are combined with other objects and their working order as weapon components is not impaired or can be restored using standard tools. This Act shall apply to parts of weapons of war as defined in the War Weapons Control Act in the version as promulgated on 22 November 1990 (Federal Law Gazette I, p. 2506), most recently amended by Article 24 of the ordinance of 31 October 2006 (Federal Law Gazette I, p. 2407) which are not covered by the War Weapons Control Act and which are specified below as essential components, together with silencers for such weapons;

Essential components shall mean

1.3.1 the barrel or gas barrel, the breech and the chamber or cartridge holder if it does not already form part of the barrel. The barrel shall mean a tube-shaped object made from a sufficiently hard material which guides the projectile propelled through it to a certain extent; such guidance shall generally be regarded as provided when the length of that part of the barrel which determines guidance of the projectile corresponds to at least twice the calibre; a gas barrel is a barrel used solely to fire combustion gases. The breech shall mean the part directly adjoining the chamber or cartridge holder or the barrel;

1.3.2 and, in the case of guns which use a flammable fluid or gaseous mixture for propulsion, the combustion chamber and the device to produce the mixture;

1.3.3 and, in the case of guns with a different propulsion, the propulsion device, insofar as it is fixed to the firearm;

1.3.4 and, in the case of short firearms, the grip or other parts of the weapon designed to hold the trigger mechanism; semi-finished essential components of guns and parts/residual parts of barrels and barrel blanks shall also qualify as essential components when they can be finished with conventional tools. Silencers shall mean devices which serve to substantially dampen the muzzle blast and which are intended for guns;

1.4 Guns rendered unserviceable (decorative weapons)

Guns shall be deemed unserviceable if:

1.4.1 the chamber is modified permanently so that neither ammunition nor propelling charges can be loaded,

1.4.2 the breech has been rendered permanently inoperable,

1.4.3 the trigger in grips or other essential components of short handguns have been rendered permanently inoperable,

1.4.4 in the case of short firearms, the barrel has

- a continuous slit at least 4mm wide along the barrel as far as the muzzle
- at least 3 calibre-size drill holes at 3 cm intervals, or
- other similar barrel modifications

over its entire length, starting at the chamber;

1.4.5 in the case of long firearms, the third of the barrel facing the chamber has

- at least 6 calibre-sized drill holes or
- other similar barrel modifications and
- is permanently sealed with a calibre-sized tempered steel pin in front of the chamber facing the muzzle,

1.4.6 a gun shall have been rendered permanently unserviceable if it or its essential components cannot be restored to working order using standard tools.

1.5 Salute weapons

Salute weapons shall mean modified long firearms intended for theatre performances, photographic sessions, film or televisions recordings, for example, which meet the following requirements:

- the chamber must be permanently modified such that no fixed or pyrotechnic ammunition can be loaded,
- the third of the barrel facing the chamber must have at least six calibre-size open holes or other, equivalent modifications to the barrel and must be permanently sealed with a calibre-sized tempered steel pin in front of these modifications facing the muzzle,
- the barrel must be fixed to the housing in the case of weapons whose barrel can be replaced without the use of tools,
- the modifications must have been carried out in such a manner that they cannot be reversed with commonly available tools and the objects cannot be modified so that projectiles, cartridge or pyrotechnic ammunition can be fired from them, and
- the seal must bear a marking in accordance with Figure 11 of Annex II to the Ordinance on the Proof Testing of Arms and Ammunition;

1.6 Fake guns

Fake guns shall mean

1.6.1 guns whose overall external appearance suggests that they are firearms (Annex 1, Chapter 1, Sub-Chapter 1, no. 2.1) and which do not employ any hot gases to propel projectiles,

1.6.2 replicas of guns with the appearance of guns in accordance with number 1.6.1
or

1.6.3 guns with the appearance of guns in accordance with number 1.6.1 which have
been rendered unserviceable.

Objects which, on the basis of their overall appearance, are recognizably intended as toys or for events upholding traditions or which form or are to form part of a collection of historical and cultural importance pursuant to Section 17 or guns, for the carrying of which a licence is required in accordance with Section 10 (4) shall be excluded. In particular, objects whose size is 50 per cent smaller or larger than that of a corresponding firearm, which contain neoncoloured materials or which do not possess any characteristics of firearms are recognizably intended as toys.

2.

2.1 Types of guns

Firearms; these shall mean guns as defined in no. 1.1 which use hot gas to propel a projectile through or out of a barrel.

2.2 Automatic guns shall mean guns which reload automatically each time a round is fired and which fire more than one round from the same barrel with one pull on the trigger or some other firing arrangement (fully automatic) or which fire only one round with one pull on the trigger or some other firing arrangement (semi-automatic). Guns which can be converted to automatic guns using standard tools shall also qualify as automatic guns. Fully automatic weapons converted to semi-automatic weapons which can be reconverted to fully automatic weapons using the tools referred to in sentence 2 shall also qualify as fully automatic weapons. Double-action revolvers shall not be deemed semi-automatic guns. A doubleaction revolver is one in which pulling the trigger causes the cylinder to rotate, lining up the breech chamber containing the next round between the barrel and the firing pin, and cocks the hammer, then releases the hammer to fire the gun.

2.3 Repeating firearms shall mean guns in which ammunition is reloaded from a magazine into the chamber by means of a manually-operated mechanism after a round has been fired.

2.4 Single-shot firearms shall mean guns with no magazine and one or more barrels which are loaded by hand before each shot from the same barrel.

2.5 Long firearms shall mean guns in which the barrel and breech are more than 30 cm in length in the closed position and in which the shortest overall design firing length exceeds 60 cm. All other guns shall be deemed short firearms.

2.6 Guns for firing blanks or warning shots shall mean guns with a chamber or cartridge holder designed to fire blanks.

2.7 Irritant firearms shall mean guns with a chamber or cartridge holder designed to fire irritants or other active substances.

2.8 Signalling guns shall mean guns with a chamber or cartridge holder or portable objects as defined in no. 1.2.1 which are designed to shoot pyrotechnic ammunition.

2.9 Compressed-air and spring-operated weapons and weapons employing cold gases to propel projectiles; spring-operated weapons shall mean guns in which either spring power propels a projectile directly or a spring-loaded piston is moved in a cylinder and an air cushion produced by the piston propels the projectile. Compressed-air weapons are guns in which air is precompressed into a pressure vessel, stored in said

vessel and released via a valve system to propel projectiles. Weapons employing cold gases to propel projectiles include compressed-gas weapons, for example.

3. Further definitions of essential components

3.1 Exchange barrels are barrels for a specific weapon model or system which can be changed without finishing work.

3.2 Replacement barrels are barrels machined for a specific weapon in order to replace the existing barrel but which still require adjustment.

3.3 Insert barrels are barrels with no breech which can be inserted into the barrels of larger calibre weapons.

3.4 Exchange revolving breeches are revolving breeches for a specific model of revolver which can be changed without finishing.

3.5 Exchange systems are exchange barrels together with the breech designed for them.

3.6 Insert systems are insert barrels together with the breech designed for them.

3.7 Inserts are parts with the external appearance of the original ammunition for the gun for which they are designed and a chamber or cartridge holder which takes ammunition of a smaller dimension.

4. Other devices for guns

4.1 Target spotlights are devices intended for guns which illuminate the target. A target is illuminated when it is rendered identifiable for the person using the gun by means of light beams in unfavourable light conditions or in the dark. It does not matter whether the light is visible or invisible (e. g. infrared) or whether the person using the gun requires additional devices to identify the target.

4.2 Lasers or sighting point projections are devices intended for guns which mark the target. A target is marked when a target point identifiable to the person using the gun is projected onto the target.

4.3 Night-vision devices or night-target devices are devices for guns which incorporate an electronic intensifier or an image converter and an attachment for guns. Night-vision targeting attachments and mountings for targeting aids (telescopic sights) shall also constitute night-target devices.

5. Irritants are substances which are intended to irritate people`s skin and mucous membranes, irritating the eyes in particular, and which do not have a resorptive toxic effect.

6. Replicas of guns are objects

- which have not been manufactured as guns,
- which have the external form of a gun,
- which cannot be used for shooting purposes and
- which cannot be modified using commonly available tools to render them capable of firing ammunition, charges or projectiles.

Chapter 2: Portable items

1. Portable items in accordance with Section 1, paragraph 2, no. 2 a) shall mean in particular
 - 1.1 cutting and thrust weapons which are basically designed to inflict injury by using direct muscle power to cut, thrust, stab, hit or throw,
 - 1.2 items,
 - 1.2.1 which inflict injury using energy other than mechanical energy (e. g. electric shock devices),
 - 1.2.2 which spray or eject irritants with a range of up to 2 m (irritant sprays),
 - 1.2.3 which can:
 - a) render a person incapable of attack by spraying or ejecting an irritant or other active substances at a specific target or
 - b) damage a person`s health using energy other than kinetic energy (especially by directing electromagnetic radiation at a specific target).
 - 1.2.4 from over 2 m away,
 - 1.2.5 from which burning gaseous, liquid or solid substances with a flame over 20 cm long can be directed at a target,
 - 1.2.6 in which flammable substances can be distributed and detonated to ignite a fire, or in which an explosion can be triggered using explosive substances,
 - 1.2.7 which are designed or handled so as to inflict injury by choking,
 - 1.3 slingshots fitted with a wrist-brace or similar device to achieve maximum kinetic energy or ready to be fitted with such a device (precision slingshots) and wrist-braces and similar devices for the said items.
2. Portable items as defined in Section 1 (2) no. 2 b shall be
 - 2.1 knives,
 - 2.1.1 in which the blade is flicked forward and can be fixed in place by exerting pressure on a button or lever (flick knives),
 - 2.1.2 in which the blade drops forward out of the handle under its own weight or with the help of a flicking movement and automatically stays in place when a catch is released (gravity knife),
 - 2.1.3 in which the blade is at right angles to the grip and which is designed to be held or used with a closed fist (fist knife) and
 - 2.1.4 folding knives with a split, swivelling grip (butterfly knives);
 - 2.2 objects which are designed to cause pain to animals using a form of energy other than mechanical energy (e. g. electric pulse devices), with the exception of objects employed for their intended purposes in the area of animal husbandry or as a proper and appropriate means of training dogs (e. g. drovers).

Chapter 3: Ammunition and projectiles

1. Ammunition shall mean:

- 1.1 Fixed ammunition (shells with propelling charges containing a projectile and self-propelled projectiles),
- 1.2 shell ammunition (shells with propelling charges containing no projectile),
- 1.3 ammunition with no shell (propelling charge with or without a projectile where the propelling charge is shaped to the internal dimensions of a firearm or an object as described in subchapter 1, no. 1.2),
- 1.4 pyrotechnic ammunition (objects containing projectiles with explosive substances or mixtures of substances – pyrotechnic charges, black powder – which produce light, sound, smoke or similar effects without penetrating a target) including
 - 1.4.1 pyrotechnic cartridges (cartridges in which the projectile contains a pyrotechnic charge),
 - 1.4.2 non-cartridge pyrotechnic ammunition (projectiles containing a pyrotechnic charge),
 - 1.4.3 pyrotechnic ammunition to which the propulsion device is secured,which are designed to be fired from a firearm.
2. Charges are main sources of energy inserted as loose materials or as a prefabricated charge or in loose form into weapons as defined in sub-chapter 1, no. 1.1 or items in accordance with sub-chapter 1, no. 1.2.1 designed to:
 - a) propel projectiles or substances or
 - b) generate sound or light impulsesand primer compositions which serve directly to propel projectiles.
3. Projectiles for the purpose of this law shall mean
 - 3.1 solid bodies or
 - 3.2 gaseous, liquid or solid substances in shellsdesigned as weapons or for firearms.

Part 2: Definitions for the purpose of weapons legislation

For the purposes of the present law, any person who

1. has actual control over a weapon or ammunition shall be deemed to have acquired same,
2. exercises actual control over a weapon or ammunition shall be deemed to possess same,
3. grants another person actual control over a weapon or ammunition shall be deemed to have entrusted same,
4. exercises actual control over a weapon outside his or her home, business premises or own enclosed property shall be deemed to be carrying same,
5. is responsible for or arranges for a weapon or ammunition to be transported over the border into, through or out of the territory governed by this Act shall be deemed to have moved same,

6. temporarily takes a weapon or ammunition over the border into, through or out of the area governed by this Act on a trip, without relinquishing possession of the same, shall be deemed to be conveying said weapon or ammunition,
7. fires a projectile from a gun, fires shell ammunition, fires irritants or other active substances using fixed or shell ammunition or fires pyrotechnic ammunition shall be deemed to be firing same,
8.
 - 8.1 manufactures guns or ammunition if a final product or essential components of a final product are produced from raw parts or materials shall be deemed to be engaged in weapons manufacture; reloading shells on a commercial basis also qualifies as manufacture;
 - 8.2 works on or repairs guns or ammunition shall be deemed to be engaged in the manufacture of guns; generally speaking, a gun is worked on or repaired if it is shortened, if the firing sequence is changed or changed so that it can be used to fire other ammunition or different calibre projectiles or if fundamental components which need to be finished in order to fit are exchanged; a gun is neither worked on nor repaired if merely minor changes are made, especially to the stock or sight;
9. buys, offers for sale, takes orders for or looks for, entrusts to others or arranges the acquisition, sale or handing over of guns or ammunition on a commercial or independent basis as part of a business undertaking is deemed to be dealing in weapons;
10. persons not yet 14 years of age shall be deemed to be a child;
11. persons at least 14 but not yet 18 years of age shall be deemed to be a young person.
12. A weapon shall be deemed to be in primed state when it is loaded, that is, when ammunition or projectiles are contained in the cylinder, in the magazine inserted in the weapon or in the chamber, whether or not the weapon is cocked.
13. A gun shall be deemed to be readily accessible when it can be brought directly into firing position; it shall not be deemed to be readily accessible when it is carried in a locked container.

Part 3: Classification of firearms or ammunition in categories A – D in accordance with the Weapons Directive

1. Category A
 - 1.1 Weapons of war nos. 29 and 30 on the List of Weapons of War (Annex to Section 1 (1) of the War Weapons Control Act);
 - 1.2 fully automatic guns;
 - 1.3 guns disguised as other objects;
 - 1.4 pistol and revolver ammunition with expanding projectiles and projectiles for this ammunition, with the exception of hunting or sports weapons belonging to persons authorized to use them;
 - 1.5 armour-piercing ammunition, ammunition containing explosive and incendiary compounds, ammunition containing tracer compounds and projectiles for such ammunition, where such ammunition or projectiles do not fall within the scope of the War Weapons Control Act.

2. Category B
 - 2.1 Semi-automatic short firearms and repeating short firearms,
 - 2.2 single-shot short firearms for ammunition with centre fire percussion,
 - 2.3 single-shot short firearms for ammunition with rimfire percussion whose overall length is under 28 cm,
 - 2.4 semi-automatic long firearms with a magazine or chamber which can hold more than three cartridges,
 - 2.5 semi-automatic long firearms whose magazines or chambers cannot hold more than three cartridges, which have interchangeable magazines and which may be converted using standard tools so that the magazine or chamber can hold more than three cartridges,
 - 2.6 repeating long firearms and semi-automatic guns with a smooth-bore barrel no more than 60 cm long,
 - 2.7 semi-automatic civilian guns which look like fully automatic weapons of war.
3. Category C
 - 3.1 Repeating long firearms other than those listed under no. 2.6,
 - 3.2 single-shot long firearms with a rifled barrel or barrels,
 - 3.3 Semi-automatic long firearms other than those listed under nos. 2.4 to 2.7,
 - 3.4 Single-shot short firearms for ammunition with rimfire percussion with an overall length of at least 28 cm.
4. Category D
 - 4.1 Single-shot long firearms with a smooth-bore barrel or barrels.

**Annex 2 (to Section 2 (2) through (4))
List of weapons**

(Reference: Federal Law Gazette I 2002, 3999 – 4002; see footnote regarding the individual amendments)

Part 1: Banned weapons

It shall be prohibited to handle the following weapons:

- 1.1 Weapons (Section 1 (2)), with the exception of semi-automatic portable firearms, listed in the Annex to the War Weapons Control Act (List of Weapons of War) in the version as promulgated on 22 November 1990 (Federal Law Gazette I, p. 2506) or amendments thereto which no longer qualify as weapons of war,
- 1.2 guns as defined in Section 1 (2) no. 1 in accordance with nos. 1.2.1 to 1.2.3 and their accessories in accordance with no. 1.2.4:
 - 1.2.1.1 which are fully automatic as defined in Annex 1, Part 1, Chapter 1, no. 2.2,
 - 1.2.1.2 which are pump-action shotguns on which a short firearm butt is fitted in place of the rear shaft or the overall length in the shortest possible usable form is less than 95 cm or the barrel is less than 45 cm in length;

- 1.2.2 the shape of which is such that they can pass for another object or can be disguised as everyday items (e. g. belt buckle pistols, shooting pens, stick rifles, torch pistols),
- 1.2.3 which can be folded, telescoped, shortened or quickly dismantled beyond the usual extent for hunting or sporting purposes;
- 1.2.4 devices for guns
- 1.2.4.1 to illuminate the target (e. g. target spotlights) or mark the target (e. g. lasers or sighting point projections),
- 1.2.4.2 night-vision devices and night-target devices with fittings for guns and night-vision targeting attachments (e. g. telescopic sights), where these items have an image converter or electronic intensifier,
- 1.2.5 multiple-shot short firearms produced after 1 January 1970 for centre fire percussion in calibres under 6.3 mm, where the projectiles are not propelled solely by the priming charge.
- 1.3 Portable items as defined in Section 1 (2) no. 2 a) in accordance with nos. 1.3.1 to 1.3.8.
- 1.3.1 Cutting or thrust weapons shaped so that they can pass for another object or can be disguised as everyday items,
- 1.3.2 steel rods, clubs or knuckledusters,
- 1.3.3 star-shaped discs designed for throwing at a target and inflicting injury (throwing stars),
- 1.3.4 objects in which flammable substances can be distributed and detonated to ignite a fire, or in which an explosion can be triggered using explosive substances,
- 1.3.5 objects containing irritants or other active substances, unless the substances are officially licensed as harmless to health and the objects
- are of limited range and spray for a limited duration and
 - carry an official test mark to prove that they are harmless to health and that the range and
- spray duration is limited,
- 1.3.6 Objects which inflict injury using energy other than mechanical energy generated by bodily movement (e. g. electric shock devices), where they are not officially licensed as harmless to health and carry an official test mark to prove that they are harmless to health, and remote electric pulse devices which transmit an electric pulse together with the firing or triggering device via a conductive jet of fluid or which transmit an electric pulse to the body via wired electrodes,
- 1.3.7 precision slingshots in accordance with Annex 1, Part 1, Chapter 2, no. 1.3, and wrist-braces and similar devices for the said items,
- 1.3.8 objects which designed or handled so as to inflict injury by choking (e. g. nunchakus);
- 1.4 Portable items as defined in Section 1 (2) no. 2 b) in accordance with nos. 1.4.1 to 1.4.4:

1.4.1 Flick knives and gravity knives in accordance with Annex 1, Part 1, Chapter 2, nos. 2.1.1 and 2.1.2. Sentence 1 shall not apply to flick knives in which the blade springs out of the side of the grip and the part of the blade which projects from the grip

- is no more than 8.5 cm long,
- is not honed on both sides;

1.4.2 fist knives in accordance with Annex 1, Part 1, Chapter 2, no. 2.1.3,

1.4.3 butterfly knives in accordance with Annex 1, Part 1, Chapter 2, no. 2.1.4,

1.4.4 objects which cause injury to animals using a form of energy other than mechanical energy (e. g. electric pulse devices), except where they are officially approved as being harmless and bear an official test mark confirming their harmlessness or where they are used for the intended purpose in animal husbandry;

1.5 ammunition and projectiles in accordance with nos. 1.5.1 to 1.5.7:

1.5.1 Projectiles with anaesthetics designed for attack or defence purposes,

1.5.2 projectiles or shell ammunition containing irritants designed for attack or defence purposes with no official test mark to prove that they are harmless to health,

1.5.3 cartridges for guns with rifled barrels with projectiles with a smaller calibre than the bore diameter of the firearms in question, enclosed in a propelling and guidance shell which separates from the projectile on leaving the barrel,

1.5.4 cartridges with projectiles containing a light trace, fire charge or explosive charge or a hardened core (at least 400 HB 30 Brinell hardness or 421 HV Vickers hardness), with the exception of pyrotechnic ammunition designed for signalling in order to avert danger,

1.5.5 detonating cartridges, ammunition containing irritants or other active substances in accordance with Table 5 of the reference tables under Section 1 (3) third sentence of the third ordinance concerning the Weapons Act in the version as promulgated on 2 September 1991 (Federal Law Gazette I, p. 1872), most recently amended by the second ordinance amending the ordinances pursuant to the Weapons Act of 24 January 2000 (Federal Law Gazette I, p. 38), in the version applicable at the time (reference tables) which, when fired, can inflict injury with solid bodies at a distance of more than 1.5 m from the muzzle, with the exception of 16 and 12 calibre shell ammunition with a shell length of no more than 47 or 49 mm,

1.5.6 small shot which can be loaded in holders in accordance with Table 5 of the reference tables with a diameter (P1) of up to 12.5 mm,

1.5.7 ammunition intended solely for use in weapons of war or by the bodies specified in Section 55 (1) sentence 1, where such ammunition is not subject to the provisions of the War Weapons Control Act or the Explosives Act.

Part 2: Weapons requiring a licence

Chapter 1: Licence requirement

A licence shall be required in order to handle weapons as defined in Section 1 (2) no. 1 (Annex 1, Part 1, Chapter 1, nos. 1 to 4) and the ammunition designed for them, where such weapons or ammunition are not exempt from licensing requirements under Chapter 2 for the type of handling described therein. Chapter 3 lists the guns subject to less stringent licensing requirements. Where a firearm requiring a licence has been converted into a weapon, the acquisition and possession of which would be subject to less stringent conditions or would be possible without a licence, the licence requirement shall be based on the conditions

pertaining to the original weapon. This shall not apply to modified long weapons as defined in Annex 1, Part 1, Chapter 1, no. 1.5 (salute weapons).

Chapter 2: Forms of handling not requiring a licence

1. Acquisition and possession without a licence

1.1 Compressed air weapons, spring-operated weapons and weapons which use cold propellants to expel the projectile, which impart kinetic energy of no more than 7.5 joules to the projectile and which bear the mark shown in Figure 1 in Annex 1 to the first ordinance concerning the Weapons Act of 24 May 1976 (Federal Law Gazette I, p. 1285) in the version in force when this Act enters into force or a mark stipulated in a statutory instrument in accordance with Section 25 (1) no. 1 c);

1.2 compressed air weapons, spring-operated weapons and weapons which use cold propellants to expel the projectile, which were manufactured before 1 January 1970, or before 2 April 1991 in the territory specified in Article 3 of the Unification Treaty and traded in accordance with the provisions in force at that time;

1.3 weapons to fire blanks or warning shots, irritants or signals which comply with the approved design in accordance with Section 8 of the Proof Testing Act and carry the approval mark shown in Figure 2 in Annex 1 to the first ordinance concerning the Weapons Act of 24 May 1976 (Federal Law Gazette I, p. 1285) in the version in force when this law enters into force or a mark stipulated in a statutory instrument in accordance with Section 25 (1) no. 1 c),

1.4 shell ammunition for the guns referred to in no. 1.3;

1.5 modified firearms intended for theatre performances, photographic sessions, film or television recordings (salute weapons), where such weapons have been modified in accordance with the requirements stipulated in Annex 1, Part 1, Chapter 1, no. 1.5;

1.6 guns modified before 1 April 1976 in accordance with the requirements of Section 3 of the first ordinance concerning the Weapons Act of 19 December 1972 (Federal Law Gazette I, p. 2522);

1.7 models of single-barrelled single-shot weapons with powder caps (percussion weapons) developed before 1 January 1871,

1.8 models of guns with matchlock or spark ignition developed before 1 January 1871,

1.9 models of guns with percussion pin ignition developed before 1 January 1871,

1.10 crossbows,

1.11 shell ammunition for guns modified in accordance with 1.5 and for firing devices in accordance with Section 7 of the Proof Testing Act,

1.12 pyrotechnic ammunition bearing the approval mark shown in Figure 5 in Annex II to the third ordinance concerning the Weapons Act in the version promulgated on 2 September 1991 (Federal Law Gazette I, p. 1872) in class PM I.

2. Acquisition without a licence requirement by persons who already hold a weapon owner's licence (notwithstanding the reporting requirement pursuant to Section 10, paragraph 1a)

2.1 Replacement and exchange barrels of the same or a smaller calibre, including the interchangeable breeches required for these barrels (exchange systems);

2.2 Exchange revolving breeches which can only be used to fire ammunition in which the calibre of the projectile and the maximum permissible pressure of the gas used are the same or smaller than the ammunition designed for the weapon (reference tables); for guns which are already entered on the weapon owner's licence.

2.a. Acquisition and possession without a licence requirement by persons who already hold a weapon owner's licence

Insert barrels and their breeches (insert systems) and inserts designed to fire smaller ammunition which are not insert barrels; for guns already entered on the weapon owner's licence.

3. Carrying without a licence

3.1 Models of guns with a matchlock or spark ignition which were developed before 1 January 1871;

3.2 crossbows.

4. Dealing and manufacturing without a licence

4.1 Models of guns with a matchlock or spark ignition which were developed before 1 January 1871,

4.2 crossbows.

5. Dealing without a licence

5.1 Models of single-barrelled single-shot weapons with powder caps (percussion weapons) developed before 1 January 1871,

5.2 models of guns with percussion pin ignition developed before 1 January 1871.

6. Non-commercial manufacture without a licence

6.1 Ammunition.

7. Moving into through or out of the territory governed by this Act without a licence

7.1 Compressed air weapons, spring-operated weapons and weapons which use cold propellants to expel the projectile, insofar as they comply with the requirements of nos. 1.1 or 1.2;

7.2 Weapons to fire blanks or warning shots, irritants or signals which comply with the approved design in accordance with Section 8 of the Proof Testing Act and bear the approval mark shown in Figure 2 in Annex 1 to the first ordinance concerning the Weapons Act of 24 May 1976 (Federal Law Gazette I, p. 1285) in the version in force when this Act enters into force or a mark stipulated in a statutory instrument in accordance with Section 25 (1) no. 1 c;

7.3 modified long firearms intended for theatre performances, photographic sessions, film or television recordings (salute weapons), where such weapons have been modified in accordance with the requirements stipulated in Annex 1, Part 1, Chapter 1, no. 1.5;

7.4 guns modified before 1 April 1976 in accordance with the requirements of Section 3 of the first ordinance concerning the Weapons Act of 19 December 1972 (Federal Law Gazette I, p. 2522),

7.5 ammunition for the weapons listed in no. 7.2;

- 7.6 models of single-barrelled single-shot weapons with powder caps (percussion weapons) developed before 1 January 1871;
 - 7.7 models of guns with matchlock or spark ignition or percussion pin ignition developed before 1 January 1871;
 - 7.8 crossbows;
 - 7.9 pyrotechnic ammunition bearing the approval mark shown in Figure 5 in Annex II to the third ordinance concerning the Weapons Act in the version as promulgated on 2 September 1991 (Federal Law Gazette I, p. 1872) in class PM I.
8. No permit required to transfer out of the territory governed by this Act into a state which is not a European Union Member State

All weapons as referred to in Section 1 (2)

Chapter 3: Less stringent licensing requirements

- 1. Acquisition and possession without a proven need (Section 4 (1) no. 4)
 - 1.1 Firearms which impart kinetic energy of no more than 7.5 joules to the projectile and which bear the mark shown in Figure 1 in Annex 1 to the first ordinance concerning the Weapons Act of 24 May 1976 (Federal Law Gazette I, p. 1285) in the version in force when this Act enters into force or a mark stipulated in a statutory instrument in accordance with Section 25 (1) no. 1 c;
 - 1.2 ammunition designed for the weapons referred to in no. 1.1.
- 2. Carrying without specialist knowledge, proven need or proof of liability insurance (Section 4 (1) nos. 3 to 5) – minor firearms certificate
 - 2.1 Weapons to fire blanks or warning shots, irritants or signals in accordance with Chapter 2, no. 1.3.

Part 3: Weapons exempted from all or part of the law

Chapter 1: Weapons exempted from the law, with the exception of Section 2 (1) and Section 41

Underwater sporting equipment which does not use ammunition to propel the projectile (harpoons).

Chapter 2: Weapons exempted from the law with the exception of Section 42a

- 1. Guns (Annex 1, Part 1, Chapter 1, no. 1.1, not including blowpipes) designed for play, provided that they can only fire projectiles to which kinetic energy of no more than 0.5 joules (J) is imparted, unless they can be modified using standard tools so that the kinetic energy imparted to the projectile exceeds 0.5 joules (J).
- 2. Guns (Annex 1, Part 1, Chapter 1, no. 1.1) used to propel fixed bodies using muscle power, where the propulsion introduced in this manner cannot be stored by a stopping device (e. g. blowpipes).
- 3. Objects designed for play, provided that they can only fire percussion caps, cartridge caps, snap caps or pop corks, unless they can be converted to a gun or an object equivalent to a gun using standard tools.
- 4. Guns rendered unserviceable (decorative weapons)

4.1 Guns rendered unserviceable prior to 1 April 2003 in accordance with the requirements of Section 7 of the first ordinance concerning the Weapons Act of 24 May 1976 (Federal Law Gazette I, p. 1285) in the version valid up to the said date;

4.2 guns, decorative or collectors` weapons which have been rendered unserviceable on or after 1 April 2003 in accordance with the requirements stipulated in Annex 1, Part 1, Chapter 1, no. 1.4 and which bear an approval mark in accordance with Annex II, Figure 11 to the ordinance on the Proof Testing of Arms and Ammunition of 13 July 2006 (Federal Law Gazette I, p. 1474).

5. Replicas of guns as defined in Annex 1, Part 1, Chapter 1, no. 6..