

No. 25127

FEDERAL REPUBLIC OF GERMANY
and
UNITED STATES OF AMERICA

Agreement concerning the acquisition and possession of privately owned weapons by personnel of the armed forces of the United States in the Federal Republic of Germany (with annex). Signed at Bonn on 29 November 1984

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 24 July 1987.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ÉTATS-UNIS D'AMÉRIQUE

Accord concernant l'acquisition et la possession d'armes à titre privé par le personnel de l'armée des États-Unis en République fédérale d'Allemagne (avec annexe). Signé à Bonn le 29 novembre 1984

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 24 juillet 1987.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE ACQUISITION AND POSSESSION OF PRIVATELY OWNED WEAPONS BY PERSONNEL OF THE ARMED FORCES OF THE UNITED STATES IN THE FEDERAL REPUBLIC OF GERMANY

The Government of the United States of America and the Government of the Federal Republic of Germany,

Desiring to regulate the acquisition and possession of privately owned weapons by personnel of the armed forces of the United States of America in the Federal Republic of Germany,

Have agreed as follows:

Article 1. APPLICABILITY, DEFINITIONS

(1) This agreement applies to privately owned firearms, and to objects covered by Article 5, of personnel of the armed forces of the United States which are not intended for official purposes.

(2) For purposes of this agreement

1. "Personnel of the armed forces" means

- a) the personnel belonging to the land, sea or air armed forces of the United States, when such personnel are located in the territory of the Federal Republic of Germany in connection with their official duties;
- b) the civilian personnel accompanying the armed forces of the United States and employed by them, so long as these are not stateless persons, nationals of a state which is not a Party to the North Atlantic Treaty,² nationals of the Federal Republic of Germany, or persons who have their ordinary residence there;
- c) the spouses and dependent children of the personnel described in subparagraph a) or b);
- d) other persons who, on the basis of common determinations between German authorities and military authorities of the United States, are equivalent to the persons described in subparagraph a), b) or c);

2. "Firearm" means

- a) a portable device which is intended for attack, for defense, for sport, for recreation, for hunting or for giving signals and by which projectiles can be propelled through the barrel, or a portable device from which ammunition can be fired in the absence of a barrel;
- b) a portable device which can be converted into a device described in subparagraph a) with tools generally in use;
- c) an object which serves as an essential component of a device described in subparagraph a); these are the barrel, the breech as well as the cartridge or shell

¹ Came into force on 18 August 1986, i.e., one month after the Parties had notified each other of the completion of their domestic requirements, in accordance with article 11.

² United Nations, *Treaty Series*, vol. 34, p. 243.

chamber insofar as this is not already a component of the barrel and, with short handguns, the frame as well as silencers;

d) ammunition (cartridge, shell, and pyrotechnic ammunition) which is intended to be fired from devices described in subparagraph *a*) or *b*);

3. "Privately owned firearm" means a firearm over which a person described in subparagraph 1 exercises actual control and which has not been officially issued to that person by the military authorities of the United States.

Article 2. PERMITS AND THEIR CONTROL

(1) The registration certificates issued by the military authorities of the United States in the Federal Republic of Germany to personnel of the armed forces according to the military regulations and guidelines for privately owned firearms shall be equivalent to the permits which authorize the acquisition and possession of firearms according to the weapons law of the Federal Republic of Germany. Except for ammunition listed in the Annex as prohibited, the registration certificate authorizes its owner to acquire the ammunition intended for the firearm if authorization for ammunition acquisition is noted on the certificate by the responsible military authority.

(2) The equivalence under paragraph (1) is valid only if the registration certificate is written in the English and the German [languages] and is provided with the seal of the issuing military authority.

(3) Personnel of the armed forces shall carry with them the registration certificate and an official identity card with photo and present them on demand to the competent German police officials, or to those otherwise authorized to verify personal identification, if they carry a firearm with them outside their own dwelling.

(4) The provisions of Article 8 remain unaffected.

Article 3. DENIAL AND WITHDRAWAL OF REGISTRATION CERTIFICATES

(1) The military authorities of the United States in the Federal Republic of Germany shall deny to personnel of the armed forces the issuance of a registration certificate for privately owned firearms, if

1. indications are present that the person in question does not possess the necessary reliability, or
2. the person in question has not completed his 18th year.

(2) The military authorities shall withdraw a registration certificate if it subsequently becomes known that its owner does not possess the necessary reliability.

(3) A registration certificate shall be withdrawn if its owner ceases to belong to the personnel of the armed forces.

(4) The military authorities shall comply with requests from German authorities for withdrawal of registration certificates in individual, well-founded cases.

Article 4. OBLIGATIONS AND AUTHORIZATIONS

The Parties to the agreement are in accord that personnel of the armed forces must observe the following obligations and that the following authorizations shall be granted those personnel with respect to privately owned firearms:

1. Possession of privately owned firearms may be transferred to persons who are not personnel of the armed forces only if those persons fulfill all customs and

licensing requirements of German law and, in addition, the firearm carries an official proof mark issued by a German authority or recognized in the Federal Republic of Germany.

2. Possession of privately owned firearms may be temporarily transferred to third persons in the following cases:

- a) at a firing range approved by the responsible authority of the Federal Republic of Germany or of the armed forces;
- b) for the duration of use at hunting or sport shooting events if at the same time the registration certificate and a written declaration of the transferor disclosing the duration and purpose of the transfer are delivered to the third person.

3. Personnel of the armed forces shall store privately owned firearms in such a way that they are secured against theft and unauthorized access by third persons. They shall report immediately the loss of a privately owned firearm to the responsible military authority.

4. Privately owned firearms may not be carried in public, readily accessible and ready for firing, if concealed upon the body.

5. Privately owned firearms may be carried in public, readily accessible and ready for firing, only for the following purposes:

- a) for hunting, provided the hunter is in possession of a valid hunting permit issued by the responsible authorities of the Federal Republic of Germany or of an equivalent hunting permit;
- b) for shooting at sport shooting events, including competitions, at a firing range approved by the responsible authority of the Federal Republic of Germany or of the armed forces.

6. Privately owned firearms may be transported from a place of storage to another place provided the weapon is not readily accessible and ready for firing and is transported in connection with a purpose described in paragraph 5 or for other compelling reasons.

7. Personnel of the armed forces are required, upon the acquisition of firearms, to present the registration certificate to the transferor and to give him for his own records a duplicate, issued by the military authorities, of the registration certificate.

8. Personnel of the armed forces shall report privately owned firearms to the customs agencies upon their importation into the Federal Republic of Germany and shall produce them upon demand.

Article 5. PROHIBITED OBJECTS

(1) The military authorities of the United States shall issue no registration certificates for objects which are listed in the Annex to this agreement. The Parties to the agreement shall come to an understanding about a revision or expansion of the Annex insofar as this is necessary for accommodation to the weapons law of the Federal Republic of Germany.

(2) The responsible military authorities may approve exceptions from the prohibition of paragraph (1) for the acquisition and the exercise of actual control of semi-automatic firearms described in item 1.5 of the Annex to the extent necessary for sport shooting and collectors' purposes. The other provisions of this agreement shall apply with respect to these firearms.

Article 6. COOPERATION

(1) Upon request of the authorities of the Federal Republic of Germany, the military authorities of the United States shall disclose the names and addresses of persons in whose names privately owned firearms have been registered as well as type, quantity and identification of the registered firearms.

(2) The military police of the United States shall forward to the Federal Criminal Police Office through the local police authorities a copy of every report concerning a privately owned firearm which has been lost or stolen.

(3) Upon request of the military authorities of the United States, the Federal Criminal Police Office shall inform the military authorities whether a firearm or other object is one of the objects listed in the Annex.

Article 7. EXCEPTIONS

This agreement shall not apply to

1. air pressure, spring pressure and CO₂ weapons,
2. single-loading weapons with needle or percussion cap ignition, whose model was developed before the year 1871,
3. muzzle-loading weapons with flint or match ignition,
4. alarm, irritant and signal weapons, which conform to the approved type of construction and carry the prescribed approval symbol of the Federal Physical-Technical Institute.

Article 8. TRANSITIONAL PROVISIONS

(1) Firearms registration certificates issued by the military authorities of the United States before this agreement enters into force shall be valid as registration certificates within the meaning of Article 2, paragraph (1); registration certificates for objects listed in the Annex shall continue to be valid as registration certificates within the meaning of Article 2, paragraph (1) for one year after this agreement enters into force.

(2) Ammunition listed in item 13 of the Annex which is already on hand in the sales facilities of the armed forces of the United States when this agreement enters into force may be sold and acquired for one year after its entry into force; the possession and use of this ammunition is permitted for two years after the agreement enters into force.

Article 9. OTHER PROVISIONS

The provisions of Article VI of the NATO Status of Forces Agreement¹ and of Article 12 of the Supplementary Agreement² to the NATO Status of Forces Agreement concerning officially permitted arms remain unaffected by this agreement.

Article 10. IMPLEMENTING MEASURES

The military authorities of the United States shall take all measures required for the implementation of this agreement. In cases of doubt the principles prevailing in the weapons law of the Federal Republic of Germany shall be applied when implementing this agreement.

¹ United Nations, *Treaty Series*, vol. 199, p. 67.

² *Ibid.*, vol. 481, p. 262.

Article 11. ENTRY INTO FORCE

This agreement shall enter into force one month after the day upon which the Government of the Federal Republic of Germany notifies the Government of the United States of America that the domestic prerequisites for its entry into force have been fulfilled.

DONE at Bonn on November 29, 1984, in two originals, each in the English and the German [languages], both texts being equally authentic.

For the Government of the United States of America:

WILLIAM M. WOESSNER

For the Government of the Federal Republic
of Germany:

DR. FRANZ BERTELE

ANNEX

OBJECTS UNDER ARTICLE 5, PARAGRAPH (1)

1. Firearms which
 - 1.1 beyond the extent usual for hunting and sporting purposes, can be folded together, telescoped together, shortened or quickly disassembled,
 - 1.2 have a length of more than 60 cm, are intended for firing rim-fire cartridges, and can be disassembled, with the longest part being shorter than 60 cm,
 - 1.3 are suited by their shape to simulate another object or are disguised as objects of daily use (e.g. belt buckle pistols, shooting pens, walking-stick rifles, flashlight pistols),
 - 1.4 are fully automatic firearms, or
 - 1.5 by their outer form evoke the appearance of a fully automatic firearm which is a weapon of war.
2. Devices which serve to illuminate or flash the target or to light the means of aiming and are intended for use with firearms.
3. Night aiming devices which possess an image converter or an electronic intensification and are intended for use with firearms.
4. Striking or thrusting weapons which by their form are suited to simulate another object or are disguised as objects of daily use.
5. Knives whose blades snap forth upon pressing a button or lever and can thereby be locked (spring knives); further, knives whose blades snap forth from the grip by their weight or by a swinging motion upon loosening of a blocking device and are locked automatically (gravity knives).
6. Steel rods, cudgels or brass knuckles.
7. Projectiles, missiles or other objects which serve the purposes of attack or defense and are intended to distribute and ignite easily combustible materials in such a way that a fire can violently break out.
8. Projectiles with anaesthetic materials which are intended for attack or defense purposes.

9. Projectiles and other objects with irritating materials which are intended for attack or defense purposes or for hunting, unless the materials or objects have been permitted by the Federal Criminal Police Office and bear a proof mark of this authority.

10. Replicas of firearms in the sense of item 1.5.

11. Fully automatic self-loading weapons which have been made inoperable and were weapons of war and firearms which have been made inoperable and evoke the appearance of fully automatic weapons of war.

12. Needle projectiles which are intended for firearms — except for cartridge-powered devices — the diameter of the cylindrical portion of which is not more than 3 mm and the projectile length of which is more than ten times the diameter of the cylindrical portion; with jacketed projectiles the diameter referred to is that of the core.

13. Revolver and pistol ammunition with

13.1 hollow-point projectiles,

13.2 semi-jacketed projectiles with fracture point, or

13.3 projectiles for the ammunition under items 13.1 and 13.2.

14. Objects which according to their characteristics and handling are intended to damage the health through strangulation.

15. Precision sling shots as well as arm rests and comparable mechanisms for these devices.

16. Cartridge ammunition for firearms with rifled barrels, whose projectiles:

16.1 are smaller in diameter than the diameter of the rifling land of the corresponding firearm and

16.2 which are surrounded with a driving and guiding band which separates itself from the projectile after leaving the barrel.

17. Revolver and pistol ammunition with projectiles which are predominantly or completely composed of hard material (Brinell hardness greater than 25 HB 5/62, 5/30) or which are provided with an explosive or incendiary composition.

18. Rifle ammunition with hard core and cartridge ammunition with fully-jacketed soft core projectile, if the projectile contains a tracer, incendiary, or explosive composition or the ammunition is of a caliber which is not fired from hunting or sport weapons.

19. Blank cartridges, irritating and other chemical cartridges by the shooting of which injuries can be caused from fragments of the covering at distances greater than 1 m in front of the muzzle, except for blank cartridges of calibers 16 and 12.