



# Principles of the German Federal Government governing the export of small arms and light weapons, corresponding ammunition and production equipment to third countries<sup>1</sup>

## (“Small Arms Principles”)

Guided by the principles and considerations expressed in the Arms Trade Treaty (ATT), the Council Common Position 2008/944/GASP of 8 December 2008 defining common rules governing the control of exports of military technology and equipment, and the Political Principles Adopted by the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment of 19 January 2000, and with regard to the worldwide risk of diversion of small arms, the German Federal Government adopted on 18 March 2015 the following principles for issuing export licences for small arms and light weapons, corresponding ammunition and production equipment to third countries:

1. The term “small arms and light weapons” used in these principles is based on the definition in the Annex to the EU Joint Action of 12 July 2002 and includes sniper rifles and pump-action guns.<sup>2</sup>
2. No licences shall be issued for the export to third countries of components and technology (e.g. in connection with licensing) that would open up new production lines for small arms and light weapons or corresponding ammunition in the country in question.
3. With regard to the legal principle of legitimate expectation, export licences for spare and wearing parts, equivalent replacements and consumables for production lines supplied in the past may also be issued in the future. This does not apply to supplies intended to increase capacity or expand the product range (commonly referred to as upgrading).
4. Licences shall not be issued for the supply of sniper rifles and pump-action guns to private end-users in third countries<sup>3</sup>.
5. Licences shall not be issued for the supply of weapons of war to non-state recipients in third countries.
6. When issuing export licences for small arms and light weapons, the principle of “New for old” shall be applied<sup>4</sup>, i.e. state recipients of small arms and light weapons must submit a declaration to the effect that they will destroy the small arms and light weapons to be replaced by the new consignment. Alternatively, if the new consignment covers additional requirements, and used weapons are therefore not destroyed, the state recipients are

1 Third countries are all countries with the exception of EU member states, NATO countries and NATO-equivalent countries (Australia, Japan, New Zealand and Switzerland).

2 This includes weapons of war numbers 10 and 11 (insofar as these are portable weapons), 29, 30, 31 (insofar as these are portable weapons), 32 (insofar as these are portable weapons), 34, 35 and 37 of the War Weapons List, weapons for caseless ammunition, sniper rifles and pump-action guns.

3 This does not apply to hunting and sporting weapons.

4 This also applies to other military goods on a case-by-case basis.

obliged to destroy these newly supplied weapons when they are decommissioned at a later stage and must submit a corresponding declaration (“New, destruction after decommissioning” variant). The willingness to submit and to comply with such a declaration is a prerequisite for the issuance of an export licence. The German Federal Government shall ensure that the implementation of the export principle “New for old” and its variant “New, destruction after decommissioning” is monitored.

7. In addition to the existing standard re-export clause, end-user certificates must contain the commitment that small arms and light weapons, corresponding ammunition and production equipment will not be passed on within the recipient country without the consent of the German Federal Government.
8. The German Federal Government will promote the export principle “New for old” and its variant “New, destruction after decommissioning” internationally.
9. Small arms and light weapons must bear labels that are easily recognisable, legible, permanent and, as far as technically feasible, recoverable. Legally binding provisions for the comprehensive labelling of small arms and light weapons manufactured in Germany will be drafted in accordance with international obligations.
10. In this context, the German Federal Government wishes to reiterate that any surplus of small arms and light weapons in the purview of the Bundeswehr shall be destroyed.