



Federal Office
for Economic Affairs
and Export Control

Manual

Completion of German end-use certificates

EUCs for war weapons, arms and military equipment

I. General Information

In accordance with German and EU legislation and in line with international practices, the presentation of End-Use Certificates (EUC) is required before war weapons including weapons generally referred to as small arms and light weapons (SALW), military equipment, civilian firearms and certain ammunition can be (re-)exported or transferred from Germany. All controlled items (goods, software and technology) are defined in the specific control lists of the German War Weapons Act and the German Foreign Trade and Payments Ordinance.¹ They are subject to export control regulations.

The EUCs are part of the required documentation which needs to be provided by the German exporter applying for an export license at the Federal Office for Economic Affairs and Export Control (BAFA) of the Federal Republic of Germany. For war weapons, the German exporter is obliged to submit the original EUC to the German Federal Ministry for Economic Affairs and Energy (BMWi). Please note that also the renewal of an existing export license may require a new EUC. **Accurate and detailed information as requested and explained below need to be provided in order to avoid unnecessary delays in processing the export license.**

Depending on the export and/or item in question, different requirements regarding the contents of the EUC apply. Therefore, the German export control authorities have published a number of different templates. Your business partner – the German exporter – should be able to provide you with the correct template.

Completing the right EUC is fairly easy: simply choose the template appropriate for the item in question, copy the template's text on your official letter format and complete the text. With this manual, BAFA aims to provide you with information for completing the template. The information provided has to be correct, complete and must not be misleading. Please be aware that changes to the template are not permitted and will generally lead to the rejection of the EUC by German export control authorities. This will cause delays in processing of the export license application.

¹ Regarding the export of dual-use items or items controlled under Council Regulation (EC) No 1236/2005 or sanctions please see “Manual Completion of German end-use certificates, EUCs for dual-use items, items controlled under Council Regulation (EC) No 1236/2005 or sanctions”.

II. Definitions

The EUC template may contain the following terms:

- Consignee** The consignee is the contracting partner of the German exporter and/or the first recipient of the items who can wield direct or indirect influence over the items or their use. In certain cases, there may also be several consignees. In this case all consignees must be named in the EUC. The consignee and the final end-user may be the same person/company/entity. In certain cases, the consignee may also be a trader who delivers the items to several end-users, if applicable with prior storage. Please note that a broker is not a consignee according to German law.
- Embargos/
Sanctions** Please be mindful that existing UN, EU and OSCE embargos can stipulate additional controls (including licensing requirements or prohibitions). These may have consequences for the export or transaction in question. Additional regulations might encompass prohibitions to directly or indirectly providing economic resources or financial assets to certain persons/companies/entities. A detailed list of sanctions imposed by the European Union can be found on the EU website: http://eeas.europa.eu/cfsp/sanctions/index_en.htm
- End-use** The term end-use encompasses the determined context of utilization of the items. With regard to war weapons including small arms and light weapons, military equipment, civilian firearms and certain ammunition, a declaration on end-use should include the intended operating environment (nature of military use, police service, sporting, hunting, planned integration of items, production of replica, re-exports etc.) and must further be specified by naming the end-user.
- End-user** The final end-user is the person/company/entity consuming, using, incorporating etc. the item. The consignee and the end-user can be identical.
- Item** The term item includes goods, software and technology.

- Replica** An exact copy, model or reproduction of the item, i. e. a copy closely resembling the original concerning its shape, appearance, coding etc.
- SALW** The abbreviation SALW represents the term small arms and light weapons. The German definition for SALW corresponds with the European Union's definition². According to the German "Small Arms Principles" (Principles of the German Federal Government governing the export of small arms and light weapons, corresponding ammunition and production equipment to third countries) the term SALW includes war weapons listed under no. 10³ and 11⁴ (where these are portable weapons), 29⁵, 30⁶, 31⁷(where these are portable weapons), 32⁸ (where these are portable weapons), 34⁹, 35¹⁰ and 37¹¹ in the Annex of the German War Weapons Control Act. The same rules apply for weapons using caseless ammunition, sniper-rifles and pump-guns.
- Technology** Technology encompasses documents, data, records etc. which can be used for the production of goods or production of parts of these goods or any developments or use of the aforementioned. Goods which will be produced with the assistance of the technology are referred to as **derived goods** (physicalized objects of the technology but not measurement results of the technologies' use).

² Council Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilizing accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP

³ 10: Firing devices (launchers and launching equipment) for guided projectiles, unguided projectiles (missiles), and other projectiles and including portable firing devices for guided projectiles to combat tanks and aircraft

⁴ 11: Firing devices for unguided projectiles (missiles), including portable firing devices as well as rocket launchers

⁵ 29 a): Machine guns, except those with water cooling; 29b): submachine guns, except those introduced as a model in a military armed force before September 2, 1945; 29 c): fully automatic rifles, except those introduced as a model in a military armed force before September 2, 1945; 29d): semiautomatic rifles, except those introduced as a model in a military armed force before September 2, 1945, and rifles for hunting and sporting purposes

⁶ 30: Hand-held under-barrel and mounted grenade launchers

⁷ 31: Cannons, howitzers, any kind of mortars

⁸ 32: Automatic cannons

⁹ 34: Barrels for the weapons referred to in items 29, 31 and 32

¹⁰ 35: Breech blocks for weapons referred to in items 29, 31 and 32

¹¹ 37: Recoilless, unguided, portable anti-tank weapons

Trader A trader markets export-controlled items of the exporter to end-users or other traders. Traders are obliged to complete EUCs under the same conditions as end-users providing additional information of the intended end-use. Please note that due to German law war weapons and certain military equipment generally cannot be marketed through traders.

III. The EUC as a necessary requirement for the licensing procedure

Please note that the presentation of a valid EUC is a mandatory requirement for the German exporter. Export license applications can and will not be processed without a completed EUC. To allow a swift procedure, please ensure the following:

- An inaccurately completed EUC will not be accepted by the German authorities and will therefore be rejected on formal grounds, which is likely to result in the license application being delayed or rejected.
- All sections of the EUC need to be completed legibly and in English or German (or accompanied by an authorized or verified translation, including header details, if written in a foreign language) by the end-user/trader on original, officially headed paper (where the end-user/trader is a company or a legal entity).
- The EUC needs to be signed and dated by a person properly authorized to sign on behalf of and to commit your entity/country. Please be aware that several signatures at different sections of the EUC might be required (depending on the template). ‘Digital’ signatures will not be accepted.
- If German authorities request a revised EUC, it must include all of the EUC pages and must be newly dated.
- Be mindful of references to any unfamiliar abbreviations or acronyms particularly those referring to consignees or end-users. To avoid delays caused by clarification requests by German authorities, you should refrain from using abbreviations and acronyms.

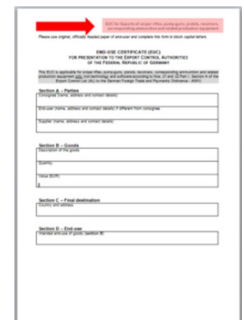
Please be advised that – in addition to the EUC – German export control authorities may request further information. In particular, the German exporter may be asked to provide information on the end-user and other parties involved in the transaction. Thus, your German business partner may ask you to provide more detailed information on your company such as brochures etc. You can support the licensing process by providing further information on the intended end-use as well as relevant authorizations by other licensing authorities.

IV. EUC-sections

All EUC templates consist of a number of sections tailored to the respective information requirements for the items and their destination. Changes (except for the changes elaborated under 8.b.), deletions or amendments to the content of the EUC template will generally be rejected by the German authorities and may result in delays or the rejection of the application.

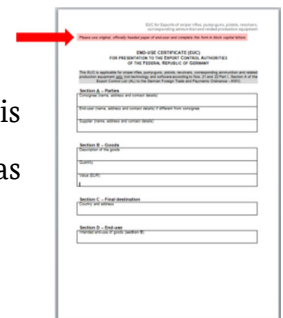
1. Header

Headers of each EUC template inform about the type of template and the export scenario in question. You may use the information in the header to identify and discuss possible misinterpretations of the overall application with your German business partner before completing the form.



2. Placeholder for official letterhead

The EUC templates are provided in an open format enabling you to insert your own official letterhead. Providing the EUC under your official letterhead is an important requirement! Herewith the signer endorses the EUC's content as their own. Please note that the endorsement can only be made in total.



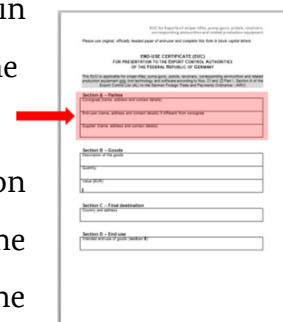
3. Info-box

Some EUC templates carry an info-box providing additional information regarding the items intended for export or transfer. This information may help you and the German exporter choosing the correct template.



4. Section A / Parties

Section A requests information regarding the parties to the export or transfer in question. Each subsection requires the correct and complete spelling of the person's/company's/entity's name, address and contact details (phone, web-address etc.) typewritten or in block letters. The definitions provided in section II of this manual (see above) may provide further guidance in identifying the entities/persons which have to be named here. The "supplier" is normally the German exporter, your business partner. In any case, the supplier needs to be identical with the



person or company applying for an export license in Germany. This information is needed to allow definite assignment of the EUC to the respective export license application.

5. Section B / Items

Depending on the EUC template in question, you are required to provide a detailed description of the goods, software and/or technology that you intend to import. Differing data between the application and the EUC will cause delays in the application procedure. Ideally, the description of items already makes references to the classifications according to the Annexes of the German War Weapons Act if applicable or the German Foreign Trade and Payments Act (your German business partner may support you in this respect). Furthermore, the specific number of each item has to be specified. If applicable, information on value has to be provided. The value of items may refer to the underlying contract at the current exchange rates. If the EUC represents an inseparable part of a transaction (e.g. a technology transfer following a preceding delivery of commodities) the value may be marked as “0” or “processed under different payment scheme”.

The image shows a portion of a German end-use certificate form, specifically 'Section B - Items'. The form is titled 'Section B - Items' and contains several fields for providing details about the goods. A red arrow points to the 'Description of goods' field, which is currently empty. Other visible fields include 'Quantity', 'Value', and 'Final destination'. The form is partially filled with red text, likely indicating required information.

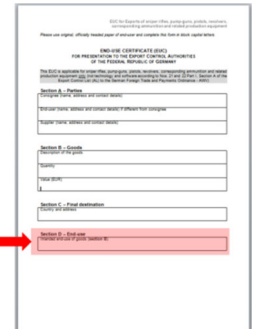
6. Section C or D / Final destination or Country of final destination (Section C or D depending on the EUC in question)

The final destination of the items may differ from the end-user’s address (e.g. when the production site is different from headquarters, in cases of differing operating sites or in case of multiple shipments). The address provided in this section must allow at least tracking of the item upon request and should be a physical address (no P.O. Box!). Traders may be requested to insert types of their customers (e.g. authorized private gun owners).

The image shows a portion of a German end-use certificate form, specifically 'Section C or D'. The form is titled 'Section C or D' and contains several fields for providing details about the final destination. A red arrow points to the 'Final destination' field, which is currently empty. Other visible fields include 'Country of origin', 'Final destination', and 'Final user'. The form is partially filled with red text, likely indicating required information.

7. Section C or D / “End-use” or “End-use / Purpose of the goods” (Section C or D depending on the EUC in question)

Please consult section II. of this manual for a definition of the term ‘end-use’. The entry provided here will be assessed by the German export control authorities. Omitted information or false declarations will affect future export license applications and shipments: you may no longer be considered a trustworthy consignee by German authorities. Future shipments will be subject to stricter controls or are likely to be denied. A thorough and comprehensive description avoids additional inquiries and allows a swift procedure for all stakeholders. Typical entries for this subsection are declarations on the specific end-use, the nature of military use, police service, sporting, hunting, a planned integration of items or the production of replica as well as planned or foreseeable re-exports and must further be specified by naming the end-user.

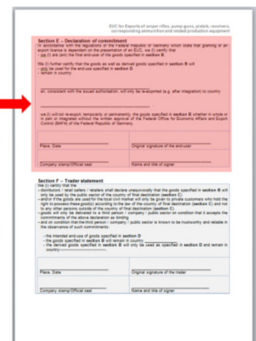


The image shows a portion of a German end-use certificate form. It is titled 'Section C or D' and contains several fields for information. A red arrow points to the 'End-user' field, which is highlighted in red. The form also includes fields for 'Country of origin', 'Country of destination', and 'Country of re-export'.

8. Section E / Declarations of Commitment

a. Relevance for the licensing procedure

The mandatory declaration of commitments will vary according to the respective EUC template, the item to be exported and the end user. The commitment has to be signed in the original document. Digital or otherwise automated signatures will not be accepted. Companies or public entities are required to use their official stamp or seal to verify the signatory powers of the signer. It is self-evident that the signer needs to be duly authorized to sign and undertake these commitments on behalf of the end user and/or their country. Traders have to sign the commitment in the same way as the end-user/trader and will clarify their status as traders in the additional trader statement within some EUC templates. Deliberate or negligent malpractice regarding the powers of representation will affect future export license applications and shipments to the trader issuing the EUC. Stated re-exports have to match with the application data provided by the German supplier to German authorities (see below for more information on re-exports).



The image shows a portion of a German end-use certificate form, specifically Section E. It contains a large red box with the text 'Declaration of Commitment' and several lines of text. A red arrow points to this section. Below the red box, there are fields for 'Place, date' and 'Signature of the trader'.

b. Content of the declaration

The content of the different commitments the German authorities ask for depends on the type of EUC, the items to be shipped, the country of destination and the type of end-user/trader. The declaration obliges the end-user/trader to fully comply with the stipulations of German export

control law. Declarations of commitment with regard to technology consist of additional confidentiality rules in order to prevent unauthorized disclosure outside the parties mentioned in section A.

Any re-export of items controlled by the German War Weapons Control Act (war weapons) requires a prior written consent of BMWi. Re-exports of other military equipment, related technology and software and firearms and exports of any replica thereof generally require the prior consent of BAFA with the exception of such re-exports to and from the following countries: Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxemburg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom, United States of America and Cyprus in areas where the Government of the Republic Cyprus exercises effective control. If permission for re-exports is required, it has to be obtained by BAFA. The request has to be accompanied by an EUC of the intended new end-user according to the requirements at the time of the re-export request.

Non-compliance with re-export or re-transfer commitments will have consequences for future licensing decisions / transactions.

EUC templates for the export or transfer of SALW, ammunition that is listed in the annex to the German War Weapons Control Act and certain firearms (sniper rifles and pump-guns) require additional declarations for exports to countries *other than* EU member states, members of NATO or NATO-equivalent countries (Australia, Japan, New Zealand, Switzerland). In this case, the end-use certificate must contain a commitment that SALW will not be passed on within the recipient country without the consent of the Federal Government.



In addition, in case of SALW as well as sniper rifles, pistols and revolvers, **public end-users** (i.e. State recipients) are required to allow German authorities the verification of end-use by agreeing to **post shipment controls** including on-the-spot checks¹². These on-the-spot visits including their timing and location will be prepared and conducted with prior notice and in agreement with the

¹² For more information, please refer to the “Key points for the introduction of post-shipment controls for German arms exports”(<http://www.bmwi.de/English/Redaktion/Pdf/eckpunkte-einfuehrung-post-shipment-kontrollen-deutsche-ruestungsexporte.property=pdf.bereich=bmwi2012.sprache=en.rwb=true.pdf>)

competent authorities of the receiving country. More information on the new German rules for post-shipment controls can be found here:

<http://www.bmwi.de/Redaktion/EN/Downloads/eckpunkte-einfuehrung-post-shipment-kontrollen-deutsche-ruestungsexporte.html>. Public end-users are invited to address any questions relating to German post shipment controls to the local German Embassies.

If you are not a public end-user you can simply cross out this line or mark as “non-applicable”. This requirement does not apply to ammunition or spare parts for war weapons listed under no. 34 and 35 of the annex to the German War Weapons Control Act (barrels and breech blocks). If the transaction is limited to these items, this section can be crossed out or marked as non-applicable. End-users of SALW, sniper rifles and pump-guns are further requested to provide the “**New for Old**”-statement as provided in the template.

Alternatively, if the new consignment covers additional requirements, and used weapons are therefore not destroyed, state recipients are required to outline the additional requirements and to submit the “**New, destruction after decommissioning**”-Statement as provided in the template. Please make sure to provide a detailed explanation for the additional requirement.

Simply cross out or mark as non-applicable the statement which would not apply to the transaction in question.

The scheme after which these declarations will be requested (combination of goods and destinations) is laid down in the respective EUC template. **Non-compliance with these declarations will affect future license applications related to the same end-user.**

9. Section G or F / Trader statement

Some EUC templates provide an additional statement that has to be signed by persons or companies operating as traders (i.e. the items or software are meant for further distribution), the “trader statement”. Traders using this section are still requested to endorse all other sections. All declarations made with regard to the end-use and end-users will be attributed to the trader. Additionally, the trader will be held responsible for the further delivery chain: the trader needs to advise distributors, retail sellers and retailers about the origin of items and the associated obligations of the EUC. For that reason, the trader may forward copies of the EUC to his business partners. Please note that non-compliance with these obligations will affect future export license applications and shipments related to the same trader.



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