Bundesamt
für Wirtschaft und
Ausfuhrkontrolle

8. Informationstag Exportkontrolle am 8. Dezember 2016

Aktuelles aus dem BAFA: Neue Endverbleibsdokumente

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http://www.bafa.de/

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Rechtsrahmen - Rüstungsgüter

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- § 21 Außenwirtschaftsverordnung
- Grundsätze der Bundesregierung für Rüstungsgüter
- EU-Vertrag über den Waffenhandel (ATT)
- EU-Regeln für die Ausfuhr von Militärgüter und Militärtechnologie
- Grundsätze der Bundesregierung für die Ausfuhrgenehmigungspolitik bei der Lieferung von Kleinen und Leichten Waffen

...

- Beachtung von Menschenrechten
- Ächtung von Streumunition und Anti-Personen-Minen

...

- Kontrolle von Technologie im Ausland
- Sicherstellung des Informationsflusses bei internen Weitergaben und bei Re-exporten
- Schutz von Betriebs- und Geschäftsgeheimnissen

→ **Bekanntmachung § 21 Abs. 6 AWV vom 31.03.2016, in Kraft seit 18.05.2016: Neue EVE'en**

EVE'en - Rüstungsgüter

A 1 Rüstungsgüter (AL, Teil I Abschnitt A)

A 2 Scharfschützengewehre, Pump-guns, Pistolen, Revolver, dazu gehörige Munition und Herstellungsausrüstung

A 3 Kriegswaffen außer Kleine und Leichte Waffen

A 4 Kleine und Leichte Waffen

C 1 Gelistete Dual-Use-Güter

C 2 Gelistete Dual-Use-Güter SAG

C 3 Güter der Anti-Folter-VO

C 4 Güter aus Iran Embargo Annex I

C 5 Güter aus Iran Embargo Annex II

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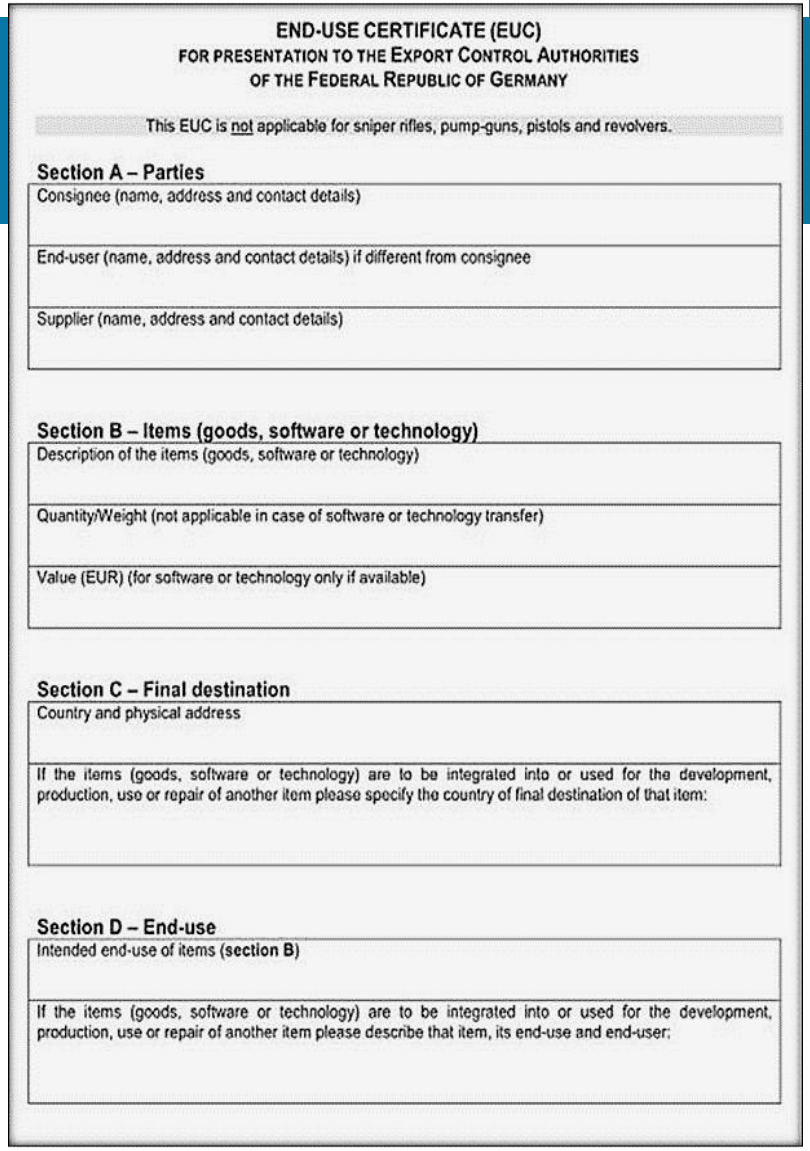
Modularer Aufbau

- **Briefkopf des Endverwenders/Empfängers**
  - Identifikation des Musters
  - EUC-Ergänzungen Briefkopf, Stempel und Unterschrift
- **Section A – Parteien**
  - Empfänger und/oder Endverwender
  - Supplier ist der deutsche AUSFÜHRER
- **Section B – Güter**
  - Genaue Benennung der Güter (Gut/Software/Technologie
  - Wertangabe/ Menge
- **Section C – Bestimmungsziel**
  - Anschrift des Empfängers oder Endverwenders
- **Section D – Endverwendung**
  - Angabe zum Verwendungszweck bzw. möglicher Weitergabe



END-USE CERTIFICATE (EUC)
FOR PRESENTATION TO THE EXPORT CONTROL AUTHORITIES
OF THE FEDERAL REPUBLIC OF GERMANY

This EUC is not applicable for sniper rifles, pump-guns, pistols and revolvers.

Section A – Parties

Consignee (name, address and contact details)

End-user (name, address and contact details) if different from consignee

Supplier (name, address and contact details)

Section B – Items (goods, software or technology)

Description of the items (goods, software or technology)

Quantity/Weight (not applicable in case of software or technology transfer)

Value (EUR) (for software or technology only if available)

Section C – Final destination

Country and physical address

If the items (goods, software or technology) are to be integrated into or used for the development, production, use or repair of another item please specify the country of final destination of that item:

Section D – End-use

Intended end-use of items (section B)

If the items (goods, software or technology) are to be integrated into or used for the development, production, use or repair of another item please describe that item, its end-use and end-user:

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Ausfuhrkontrolle

Modularer Aufbau

- **Section E – Verwendung von Gütern und Software**
  - Verpflichtungserklärung des Endverwenders
  - Örtliche Endverbleibszusage
  - Re-exportvorbehalt
- **Section F – Verwendung von Technologie**
  - Verpflichtungserklärung
  - Vertrauliche Behandlung
  - Verbot der Weitergabe
- **Section G – Händlererklärung**
  - Verpflichtung der Endkundenprüfung
  - Verpflichtung der Endkunden an sämtliche EVE-Bestimmungen

Section E – Declaration of commitment with regard to goods and software

In accordance with the regulations of the Federal Republic of Germany which state that granting of an export license is dependent on the presentation of an EUC, we (I) certify that
- we (I) are (am) the final end-user of the goods and software specified in **section B**.

We (I) further certify that the goods and software as well as derived goods specified in **section B** will
- only be used for the end-use specified in **section D**.
- remain in country

_____

or, consistent with the issued authorization, will only be re-exported (e.g. after integration) to country

_____ .

- we (I) will not re-export, temporarily or permanently, the goods and software specified in **section B** whether in whole or in part or integrated without the written approval of the Federal Office for Economic Affairs and Export Cor

_____
Place, Date

_____
Company stamp/Offici

Section F – Declaration of commitment with regard to technology

In accordance with the regulations of the Federal Republic of Germany that granting of an export license is dependent on the presentation of an EUC, we (I) certify that
- we (I) are (am) the final end-user of the technology specified in **section B**.
- the technology will be treated strictly confidential.
- the technology will only be used for the end-use specified in **section D**.
- we (I) shall neither pass on the technology nor make knowledge available to parties other than specified in **section A**.

We (I) further certify that the technology as well as derived goods specified in **section B** will
- only be used for the end-use specified in **section D**.
- remain in country

_____

or, consistent with the issued authorization, will only be re-exported (e.g. after integration) to country

_____ .

We (I) further certify that we (I) will neither re-export the technology in whole or in part and derived goods to other countries without the prior written approval of the Federal Office for Economic Affairs and Export Control (BAFA) of the Federal Republic of Germany.

In case of exports to traders the following Section G has to be signed by the relevant trader:

Section G – Trader statement

We (I) certify, that the items specified in **section B** will only be delivered to a third person / company / public sector on condition that it accepts the following commitments of the above declaration as binding and on condition that the third person / company / public sector is known to be trustworthy and reliable in the observance of such commitments:

- the intended end-use of items specified in **section D**
- the items specified in **section B** will remain in country _____ .
- the technology specified in **section B** will be treated strictly confidential
- the derived goods of the items specified in **section B** will only be used as specified in **section D** and remain in country _____ .

_____
Place, Date

_____
Original signature of the trader

_____
Company stamp/Official seal

_____
Name and title of signer

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Modularer Aufbau
-Anlage 2-

- **Section G1 – Verpflichtungserklärung**
  - Striktes Weitergabeverbot
- **Section G2 – Verwendungserklärung**
  - Abgabe der Zustimmung zur Duldung von Vor-Ort-Kontrollen
- **Section G3 – Zusatzerklärung**
  - Grundsatz: „Neu für Alt“
  - Verpflichtung für neu erhaltene Waffen , alte bereits vorhandene Waffen zu vernichten

Anlage 2: EUC for Exports of sniper rifles, pump-guns, pistols, revolvers, corresponding ammunition and related production equipment

Regarding exports to countries that are not EU Member States, NATO or NATO-equivalent countries the following additional declarations are necessary:

Section G.1 – Declaration of commitment
Applicable for sniper rifles, pump-guns, ammunition and production equipment for small arms and light weapons (SALW)
In accordance with the regulations of the Federal Republic of Germany which state that granting of an export license is dependent on the presentation of an EUC, we (i) will not transfer, temporarily or permanently, the goods specified in **section B**, whether in whole or in part or integrated, within the country of final destination to individuals or entities other than the end-users specified above (**section A**) without the prior written approval the Federal Office for Economic Affairs and Export Control (BAFA) of the Federal Republic of Germany.

Place, Date | Original signature of the end-user

Company stamp/Official seal | Name and title of signer

Section G.2 – Additional declaration in case of a final public sector end-user
Applicable for sniper rifles, pistols or revolvers only (not ammunition)
In accordance with the regulations of the Federal Republic of Germany which state that granting of an export license is dependent on the presentation of an EUC, we (i) certify – regarding exports to a final public sector end-user receiving sniper rifles, pistols or revolvers – that the German authorities have the right to verify the end-use of the above mentioned goods on-site upon their request at any time.

Original signature of the end-user/gov

Name and title of signer in block letter

Company stamp/official seal

Place, Date

Section G.3 – Additional statement of public sector end-user
Applicable for sniper rifles and pump-guns only (not ammunition, pistols or revolvers)
In accordance with the regulations of the Federal Republic of Germany recipients of sniper rifles or pump-guns are required to submit one of the following additional statements.

"New for Old"-Statement
The new weapons
Description of goods
Quantity
Name of supplier
will replace the following old weapons:
Description of goods
Quantity
We (i) confirm that the old weapons will be destroyed. The German authorities will be invited with due notice to attend the destruction. A detailed note confirming the destruction of the weapons will be sent to the German authorities in each and every case.

Original signature of the end-user/government official

Name and title of signer in block letters

Company stamp/official seal

Place, Date

"New, destruction after decommissioning"-Statement
If the new consignment covers additional requirements, state recipients of SALW, sniper rifles or pump-guns are required to outline the additional requirements and to submit this "New, destruction after decommissioning"-statement.

The new weapons
Description of goods
Quantity
Name of supplier
cover the following additional requirement:

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Neue Endverbleibsdokumente

Erste Erfahrungen – Häufig gestellte Fragen / Fehlerquellen:

- Fehler bei der Umsetzung des modularen Aufbaus: Der EV unterschreibt „alles“
- Unsicherheiten bei der Umsetzung:
  - Section E „remain in country _____“ or „...will only be re-exported ... to country _____“
- Wie kann ich deutlich machen, wenn bestimmte Sections keine Anwendung finden?
  - Nutzung der Formulierung N/A, handschriftliche Streichung der Passage oder Löschung der nicht genutzten Sections
- Wenn „Consignee“ zwischengeschaltet, dann Anpassung der Section E erforderlich

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Rechtsrahmen -Zivilgüter

- UN Res. 1540
- EG-Dual-Use-VO
- EG-Anti-Folter-VO
- Embargobestimmungen

...

- Analoge Anwendung der Grundsätze der Bundesregierung für Rüstungsgüter
- Regimebeschlüsse und Best Practice

...

- Beachtung von Menschenrechten
- Ächtung von Streumunition und Anti-Personen-Minen

...

- Kontrolle von Technologie im Ausland
- Sicherstellung des Informationsflusses bei internen Weitergaben und bei Re-exporten
- Schutz von Betriebs- und Geschäftsgeheimnissen

EVE'en - Zivilgüter

1. Rüstungsgüter (AL, Teil I Abschnitt A)
2. Scharfschützengewehre, Pump-guns, Pistolen, Revolver, dazu gehörige Munition und Herstellungsausrüstung
3. Kriegswaffen außer Kleine und Leichte Waffen
4. Kleine und Leichte Waffen

C 1 Gelistete Dual-Use-Güter
C 2 Gelistete Dual-Use-Güter SAG
C 3 Güter der Anti-Folter-VO
C 4 Güter aus Iran Embargo Annex I
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EVE‘en Zivilgüter – gemeinsame Sektionen

- **Sektion A – Parteien *(wie Rüstung)***
- **Sektion B – Güter *(wie Rüstung)***
- **Sektion C – Bestimmungsziel *(wie Rüstung)***

Section D – End-use

Intended end-use of items (**section B**)

We (I) certify that the items (**section B**) and any replica thereof (in case of technology also derived goods) **will not be used**, in their entirety or in part, in connection with

- the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological, radiological or nuclear weapons / other explosive devices or the development, production, maintenance or storage of missiles / other systems capable of delivering such weapons, or
- the development, production, handling, operation, maintenance or storage of cluster munitions or anti-personnel mines or
- human rights violations.

Yes ☐ No ☐

The end-user is part of armed forces or internal security forces.

Yes ☐ No ☐

The above-mentioned items and any replica thereof (in case of technology also derived goods) will be used for civil purposes only.

Yes ☐ No ☐

- **Sektion D – Endverwendung**
  - Keine sensitive Verwendung i.S.v. Art. 4 Abs. 1 EG-Dual-Use-VO oder ähnliche Verwendung
  - Keine Verwendung im Zusammenhang mit Streumunition oder Anti-Personen-Minen
  - Frage nach Zugehörigkeit des Empfängers zu Sicherheits- und Verteidigungskräften
  - Frage nach ziviler Endverwendung der Güter

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EVE C 1 – Gelistete Dual-Use-Güter

- **Sektion E – Verwendung von Gütern und Software**
  - Versicherung der Eigenschaft “Endverwender”
  - Zusage einer Auslieferungsbestätigung gegenüber BAFA auf Nachfrage
  - Örtliche Endverbleibszusage für das angegebene Bestimmungsland
  - Anerkennung des deutschen Re-exportvorbehalts (Ausnahmen: EU-Staaten und EU001-Staaten)

- **Sektion F – Verwendung von Technologie**
  - *Wie Sektion E, zusätzlich:*
  - Zusage der vertraulichen Behandlung der Technologie
  - Striktes Weitergabeverbot auch innerhalb des Bestimmungslandes
  - Rückbindung abgeleiteter Waren an Sektion E

Section E – Declaration of commitment with regard to goods and software

In accordance with the regulations of the Federal Republic of Germany which state that granting of an export license is dependent on the presentation of an EUC, we (I) certify that
- we (I) are (am) the final end-user of the items specified in **section B** and any replica thereof.
- we (I) will provide the Federal Office for Economic Affairs and Export Control (BAFA) of the Federal Republic of Germany with a delivery statement upon its request.
- the items and any replica thereof will only be used for the purpose specified in **section D**.
- the items and any replica thereof will remain in country

_____

or, consistent with the issued authorization, will only be re-exported (e.g. after incorporation) to country

_____ .

- we (I) will neither re-export the items nor export any replica thereof to other third countries without the prior consent of BAFA.
- we (I) certify not to re-export the items and any replica thereof to third countries without prior consent of the export control authority of our (my) country.
- the items and any replica thereof will not be re-exported/exported or otherwise nationally or internationally re-sold or transferred to a destination subject to UN, EU or OSCE embargo where that act would be in breach of the terms of that embargo.

Place, Date	Original signature of end-user
Company stamp	

Section F – Declaration of commitment with regard to technology

In accordance with the regulations of the Federal Republic of Germany that granting of an export license is dependent on the presentation of an EUC, we (I) certify that
- we (I) are (am) the final end-user of the technology specified in **section B**.
- we (I) will provide the Federal Office for Economic Affairs and Export Control (BAFA) of the Federal Republic of Germany with a delivery statement upon its request.
- the technology will be treated strictly confidential.
- the technology and any replica thereof will only be used for the purpose specified in **section D**.
- we (I) shall neither pass on the technology or any replica thereof nor make knowledge available to parties other than specified in **section A**.

We (I) further certify that derived goods of the technology specified in **section B** will
- only be used for the purpose specified in **section D**.
- remain in country

_____

or, consistent with the issued authorization, will only be re-exported (e.g. after incorporation) to country

_____ .

We (I) further certify that
- we (I) will neither re-export the technology nor export the derived goods or any replica thereof without prior consent of BAFA.
- we (I) will not re-export the technology nor export any replica thereof nor derived goods to third countries without prior consent of the export control authority of our (my) country.
- the technology, the derived goods or any replica thereof will not be re-exported/exported or otherwise nationally or internationally re-sold or transferred to a destination subject to UN, EU or OSCE embargo where that act would be in breach of the terms of that embargo.
- the derived goods will only be delivered to a third person/company on condition that it accepts the commitments of the above declaration as binding for itself and on condition that it is known to be trustworthy and reliable in the observance of such commitments.

Place, Date	Original signature of the end-user
Company stamp/Official seal	Name and title of signer in block letters

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EVE‘en betreffend das Iran-Embargo

C4 – Annex I-Güter (NSG)

- **Sektion E – Endverwendererklärung**
  - Versicherung der eingetragenen Endverwendung und Ausschluss einer Verwendung i.Z.m. Massenvernichtswaffen
  - Zustimmung zur Durchführung von Vor-Ort-Kontrollen
- **Sektion F – Staatliche Erklärung**
  - Erklärung, ob Endverwendung im Nuklearprogramm oder im nicht nuklearen Bereich
  - Zustimmung zur Durchführung von Vor-Ort-Kontrollen

C5 – Annex II-Güter

- **Sektion E – Verwendungserklärung**
  - Versicherung der eingetragenen Endverwendung und des konkreten Verwendungsortes
  - Zustimmung zur Durchführung von Vor-Ort-Kontrollen
- **Sektion F – Händlererklärung**
  - Verpflichtung der Endkundenprüfung
  - Verpflichtung der Endkunden an sämtliche EVE-Bestimmungen

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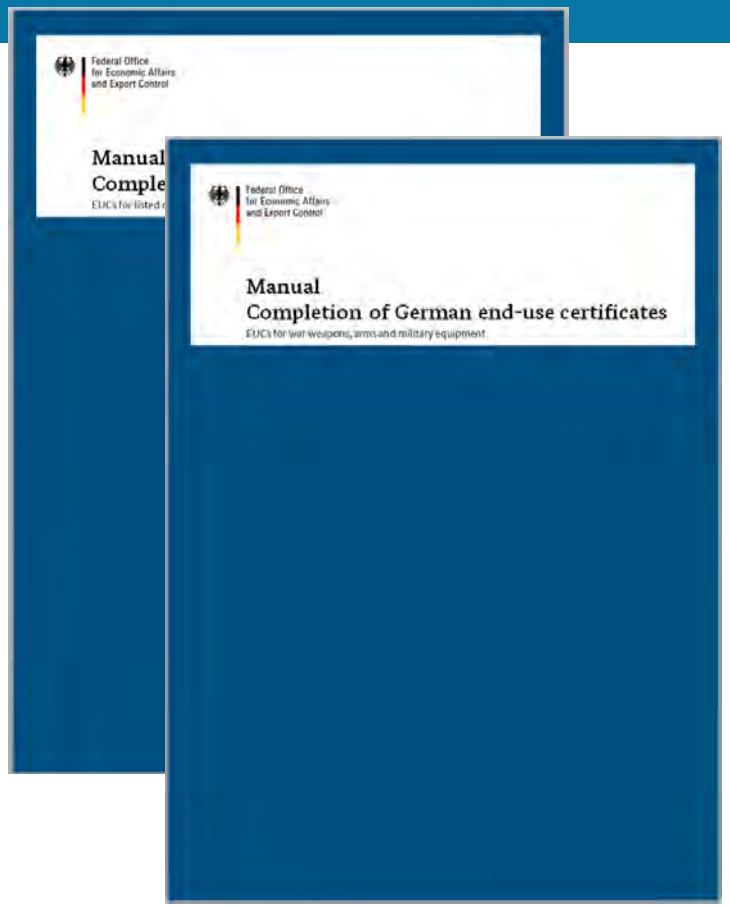
Ausfüllhilfen

- Erläuterung des Zwecks von Endverbleibsdokumenten
- Erläuterung des maßgeblichen Defintionen
- Ausfüllhilfe “Sektion für Sektion”
- In englischer Sprache
- Verfügbar auf der BAFA-Homepage



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Vielen Dank für Ihre Aufmerksamkeit!

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