



Guide to Hunting in Germany

06 – GERMAN WEAPONS LAW (WAFFENGESETZ)

Contents

- The New Weapons Law: What hunters need to know
- Acquisition of weapons and ammunition by hunters
 - Registration deadline
- Hunters “Quota”
- Hunter Training
 - Borrowing, transporting, and carrying
 - Borrowing hunting weapons
 - Borrowing and lending
 - Transportation
 - Carrying weapons
- Shooting
- Private sale of weapons
- Small weapons license (*Kleiner Waffenschein*)
- Important responsibilities
- Reporting acquisition or making available
- Storage of weapons – general policy
 - Second key
- Weapons not subject to permit
- Weapons subject to permit
- Several weapons owners under one roof
- Storage while travelling



Guide to Hunting in Germany

TRANSLATION

Ordinance on the Weapons Law – The most important requirements for hunters The new Weapons Law – What’s important for hunters to know

The new Weapons Law has been in effect since 1 April 2003. Its introduction as well as the first weeks and months with and under the new law were characterized by confusion, ignorance, and in some areas non-feasibility for authorities and weapons owners.

In the meantime, after the *Bundesrat* adopted the General Ordinance on the Weapons Law (*Allgemeine Waffengesetz-Verordnung*) on 11 July 2003, many issues have been clarified, in particular for owners of hunting licenses.

Below are the most important provisions for hunters which were compiled by *FORUM WAFFENRECHT* and DJV (German Hunters Association):

Acquisition of weapons and ammunition by hunters

Owners of a valid German annual hunting license (*Jahresjagdschein*) are authorized to acquire “hunting weapons”. “Hunting weapons” are all those weapons which were not prohibited according to the version of the Federal Hunting Law (*Bundesjagdgesetz*) in effect at the time the weapons were acquired.

Ammunition for long weapons which is authorized pursuant to the Federal Hunting Law may continue to be acquired based on the annual hunting license. In order to acquire ammunition for short weapons hunters need a permit to purchase ammunition, which is authorized by an entry on the German weapons possession card (*Waffenbesitzkarte*).

Registration deadline

Acquired weapons (subject to a permit) must be reported to the authority for registration within two weeks.

Hunters “Quota”

Owners of annual hunting licenses are generally not required to prove a need for the acquisition and possession of long weapons and for the acquisition of the first two short weapons. The need is “implied” by law. This applies, however, only if the weapons to be acquired are hunting weapons (see above). These weapons may be acquired upon presentation of a valid annual hunting license and then the hunter must initiate the process to enter the weapons onto their weapons possession card within two weeks. For the acquisition of short weapons, entry into the weapons possession card by the authority is still required before the hunter may take possession.



Guide to Hunting in Germany

Hunter training

The minimum age for the acquisition of firearms was increased to 18 years. Owners of a youth hunting license may not acquire their own weapons (permanently). They may only acquire, possess and carry hunting weapons without a special permit for the time they actually practice hunting or when they train to shoot like hunters. In connection with these activities (on the way to and from a close by hunting ground) they are also authorized to carry hunting weapons not ready for shooting.

A person who is training to become a hunter may receive hunting weapons without a permit only in the course of the training and with written approval of the instructor and under his supervision. The written authorization certificate must be carried along during the training. For minors the above applies from the age of 14 years. In addition to the instructor, the person having the care and custody of the child must give his written approval.

Borrowing, Transporting, and Carrying

Borrowing hunting weapons

Hunters may borrow long weapons with their hunting license even if they do not have a weapons possession card. Borrowing of short weapons is only possible if the hunter to whom the weapon is lent also owns a weapons possession card; it is, however, not required that he has an entry for a short weapon on his weapons possession card.

Borrowing and lending

Weapons may still be lent or borrowed, however, only to “authorized persons”. Hence, weapons not subject to a permit may only be lent to persons of age, weapons subject to a permit only to owners of a hunting license or a weapons possession card, and prohibited weapons only to owners of an appropriate exceptional permit.

Firearms subject to a permit may be lent “temporarily” by an authorized person to a weapons possession card holder for a purpose covered by the need, i. e. hunting weapons to hunters for hunting purposes, sport shooting weapons to sport shooters for training or competitions.

In the case of lending “temporarily” is limited by law to a maximum period of one month. After this period the weapon must either be returned or a new lending agreement must be concluded (by new transfer of the weapon) or it must be entered onto the borrower’s weapons possession card.

It is also still possible to lend weapons “temporarily” for the purpose of safe storage or transportation. For this case the law does not stipulate a maximum period for “temporary”



Guide to Hunting in Germany

loans. In some court decisions a period of over one year was still considered to be temporary.

Transportation

Transportation of weapons without a permit (weapons license) is still authorized for authorized persons, i.e. owners of a hunting license or weapons possession card. A weapon is considered to be transported when it is carried in a condition where it is not readily accessible and not ready for firing, and the purpose of transportation is covered by the need for the weapon or in connection with it, that means on the way to training or a competition, to a distant hunting ground, or to the gunsmith.

Regarding transportation of firearms which are subject to a permit the new Weapons Law has, however, introduced an important change: the exception of “non-commercial” transportation without a weapons permit does no longer exist. As a result, it is no longer possible to give a firearm to a known person or family member, who does not hold a weapons permit, for the purpose of taking it to the gunsmith for repair. Commercial transportation is, however, still possible without a weapons permit. Postal services, carriers and other transportation companies are not affected by this change.

The statements on weapons under the paragraphs Borrowing and Lending and Transportation also apply to the ammunition intended for the firearms.

Carrying weapons

There are also some exceptions from the requirement to hold a weapons permit for carrying a weapon: Carrying inside one’s own fenced-in property is authorized without a permit. Neither does a person need a permit who carries a weapon inside a dwelling, a fenced-in property, or a firing range of another person, if that person gives his consent. The latter is, however, only possible for a purpose included in the need for a weapon or in connection with such purpose.

Signal weapons may be carried without a permit (without small weapons permit) during mountaineering, by persons responsible for the operation of a vessel, or for emergency and rescue exercises. The same applies to blank pistols and signal weapons when they are used to fire the starting shot or give the starting signal at sports events.

As required by the regulations on accident prevention for a long time, hunters may now no longer carry loaded hunting weapons on their way to and from the nearby hunting ground pursuant to the new Weapons Law, they may only carry them in a condition **not** ready for firing. In the course of actual hunting – i.e. starting at the perimeter of the hunting ground – weapons may be loaded **pursuant to the Weapons Law**.



Guide to Hunting in Germany

Shooting

The basic rule is: Shooting outside of approved firing ranges, unless within the scope of authorized hunting, is only permitted with a shooting permit. Shooting without a permit is authorized within a fenced-in property if the person who has domestic authority (*Hausrecht*) gives his consent, the projectile cannot leave the premises, and weapons are fired whose projectile energy does not exceed 7.5 Joules (letter “F” in a pentagon, stamped on the barrel) or weapons are used from which only shell ammunition can be fired.



In this connection it is important to have a definition of “shooting”, which can be found in Annex 1 to the Weapons Law under Definition of Terms. A person shoots “if he fires projectiles through a barrel with a firearm”, fires shell ammunition, or fires irritants or signal substances by means of cartridge or shell ammunition. Consequently, the use of crossbows is not subject to the regulations on shooting.

Private sale of weapons

Weapons may only be made available to authorized persons. A person who sells a weapon to another person must ensure that the purchaser is authorized to acquire the respective weapon. If a weapon, which is subject to a permit, is to be advertised for sale (in magazines or also on the internet), it is required by law that the following information be provided, depending on the type of weapon –

- Firearms/ammunition subject to a permit: “Sale to holders of an acquisition permit only”
- Firearms/ammunition not subject to a permit: “Sale to persons who are 18 years old only”
- Prohibited weapons: “Sale to holders of an exceptional permit only”.

In addition, the seller must state their name and address. A private person offering weapons for sale may object to the publication of their personal data. These data must, however, be known to the publisher of the advertisement. They must also keep such personal data for a period of one year and upon request, grant the authorities review of such documents.

Small weapons license (*Kleiner Waffenschein*)

The small weapons license is required for carrying of blank, irritant and signal weapons. “Carrying” means to carry the weapon along outside fenced-in property. A person who permanently keeps such a weapon in the glove compartment of their car while being en route is also “carrying” it.



Guide to Hunting in Germany

In order to obtain the small weapons license the applicant must be of age, reliable and personally fit. These criteria will be checked by the authority. A certificate of technical knowledge or need is not necessary. A third party liability insurance, as is required for the “standard” weapons license, is not necessary.

Acquisition and possession of approved blank, irritant, and signal weapons (they bear the PTB symbol) is still authorized without a permit if a person is 18 years old. Weapons dealers are now called upon to advise persons who purchase such weapons of the requirement to obtain a small weapons license.

For the time being the small weapons license is still issued on the forms for the “standard” weapons license, since new official forms are not yet available. Contrary to the weapons license it will be issued for an unlimited period of time and will be valid for the category of blank, irritant and signal weapons in general and not limited to a particular weapon designated by serial number. Upon direction of the Federal Ministry of the Interior the standard fee for a small weapons license will be 50 Euros Germany-wide.

Important responsibilities

The following must be reported **immediately** to the responsible authority –

- If a person takes possession of weapons or ammunition which are subject to a permit in case of death of a weapons owner;
- If a person takes possession of weapons or ammunition which are subject to a permit after he found them;
- If weapons or ammunition which are subject to a permit get lost;
- If permit documents (weapons possession card, ammunition acquisition permit, European Firearms Pass or other) get lost.

The following must be reported to the responsible authority within **two weeks** –

- Acquisition of firearms subject to a permit for entry on the weapons possession card;
- Making available of firearms subject to a permit to another person;
- Rendering unserviceable of a prohibited weapon or a weapon which is subject to a permit.

In addition, weapons dealers are obliged to report the sale of weapons subject to a permit to the responsible authority by indicating the weapon’s number and the date of the sale.



Guide to Hunting in Germany

Reporting acquisition or making available

Acquisition of a weapon shall be reported to the responsible authority within a period of two weeks, the personal data of the person who made the weapon available shall be provided with the reporting. It is always recommended to conclude a written sales contract, a copy of which can be presented to the authority, even if the weapon is sold among persons who know each other.

A person who sells a weapon or otherwise makes it available to an authorized person must also present his weapons possession card and, if applicable, the European Firearms Pass within two weeks to the responsible weapons authority for correction. Pursuant to the Weapons Law the following data must be provided by the person acquiring the weapon –

- Last name, first name, date of birth and residential address;
- Type and validity of the acquisition and possession permit (hunting license or weapons possession card).

If the weapon is acquired on the basis of a weapons possession card –

- The number of the weapons possession card, and
- The issuing authority shall also be indicated.

Storage of weapons – General Policy

“Whoever possesses weapons or ammunition shall take the necessary precautions to prevent loss of these objects and/or the objects are not taken by unauthorized third persons”. This is the general rule on storage as stipulated in paragraph 1, section 36 of the Weapons Law.

Second key

Only the person who is authorized may have access to the weapons. Consequently, the second key may only be handed to authorized persons.

Weapons that are not Subject to a Permit

For the time being, there are no changes regarding the storage of firearms which are not subject to a permit. They must still be stored – like the other weapons (striking and thrusting weapons) as well –in a way that they are secured against loss, i.e. being taken away by unauthorized persons. Persons not authorized or not entitled to handle such weapons, which can be acquired by anyone who is over 18 years of age, are all persons under age. This means that the storage of weapons requires stricter precautions (at least a locked cabinet) if children live in the house.



Guide to Hunting in Germany

Weapons that are subject to a permit

The containers for the storage of weapons listed below comply with the minimum requirements mandated by the Weapons Law and the pertinent ordinance. It is certainly permitted to use containers of a higher safety class.

Ten long weapons each may be stored in a cabinet of class A in accordance with standard VDMA 24992 (as of May 1995). Ammunition may only be stored in that class A cabinet if it has a separate lock-up compartment. Otherwise the ammunition shall be stored in a sheet steel container without classification with swivel bolt lock or a comparable locking device or in a comparable container. Up to ten short weapons each may be stored in a cabinet of class B (VDMA 24992) if it has a minimum weight of 200 kilograms or is appropriately anchored. If the weight or the anchoring is below 200 kilograms a maximum of five short weapons may be stored in a class B cabinet. Any number of long weapons may be stored in a class B cabinet. Prohibited firearms shall be stored in a cabinet which has at least classification B, the limit on the number for such weapons is ten per container, provided that the container has a weight of at least 200 kilograms.

Basically a B-cabinet is equivalent to a cabinet of resistance class 0 pursuant to DIN/EN standard 1143-1. The only difference is that in a B-cabinet the ammunition must be stored separately from the weapons. Pursuant to the general ordinance on the Weapons Law it is sufficient to store the ammunition in a lock-up compartment inside the cabinet in order to achieve that.

Special rules apply for A-cabinets with B-compartments inside. In such a case it is permitted to store up to five short weapons and ammunition in the compartment. This regulation mainly takes into account the interests of sport shooters and hunters, the majority of whom already possesses such cabinets and may now continue to use them, as was urgently requested by the *Forum Waffenrecht*.

Several weapons owners under one roof

The basic rule for the storage of weapons, which says that a person is only authorized to have access to those weapons which are entered on their weapons possession card, still applies. The general ordinance on the Weapons Law now makes it easier for those persons who possess weapons and live in the same house. They may store their weapons in one or more joint containers, even if they do not have a joint weapons possession card.



Guide to Hunting in Germany

Storage while traveling

On trips whose purpose is related to the need to possess weapons, i. e. hunting trips, trips to participate in competitions, or trips with weapons to attend collectors' meetings, less strict conditions apply for the storage of weapons. The ordinance stipulates that to the extent that the "normal" legal requirements cannot be complied with the weapons shall be stored under "appropriate control" and be secured by other necessary precautions against loss or unauthorized taking away. Time will tell what this means for each specific case.