

Changes in Law on Arms and Weaponry

The current Weapons Act (Waffengesetz WaffG) came into effect on 1/4/2003. The additionally issued Common Weapons Act Ordinance (Allgemeine Waffengesetzverordnung AWaffV) contains further regulatory statutes to the Weapons Act and came into effect on 28/10/2003. Both regulations were changed in 2008 and – after the gun rampage of Winnenden – in 2009.

Changes in 2008

1. The rules for the recognition as shooting association and the approval of sporting regulations have been rewritten (Section 15 et seqq. WaffG)
2. Guns could be acquired and possessed by heirs after the death of the owner without further regulations.

Now, every inherited gun must be disabled by a blocking system, which can only be removed by a weapon manufacturer and which renders the gun unserviceable; ammunition has to be handed over to an authorized person (Section 20 WaffG).

3. A rule for safety inspections of shooting ranges by the authorities has been established (Section 27 WaffG). Additionally the AWaffV was supplemented by regulations for issuing shooting-range regulations and appointing authorized experts of shooting-ranges (Section 12 AWaffV).
4. Those who want to move abroad must report their new address to the authority (Section 37 WaffG).
5. According to the Law of Administrative Procedures (Verwaltungsverfahrenrecht) objections and/or actions against an administrative decision to withdraw the licence to acquire and possess a weapon (Waffenbesitzkarte) has suspensory effect; meaning: the validity of the administrative decision comes into effect only after the conclusion of the judicial proceedings.
Now, this suspensory effect ceases to apply and the administrative decision is immediately valid and consequently the person concerned must hand his weapons over immediately (Section 45 WaffG).
6. Into the annex to the WaffG new definitions for the transport have been inserted: A weapon shall only be transported when it is neither "readily accessible" nor "ready to fire". In consequence the transport is only possible in a locked container (e.g. gun case).

Changes in 2009 (after Winnenden)

1. Until then the administration had to verify that the need (reason for the acquisition and ownership of a gun e.g. as sport shooter, hunter, collector) still existed three years after the first license was granted.

Now, the administration can verify that the need still exists at any time; for this verification fees between 25 and 80 € - different from Federal Land to Federal Land - will be demanded (Section 4 WaffG).

2. The regulations for sport shooters allow for a so-called basic need of 2 multiple-shot short firearms and 3 semi-automatic long firearms. Those, who want to acquire and possess more such firearms must demonstrate their need of the additional weapon to practise other shooting sport disciplines **or** to compete in shooting competitions.

Now, it must be proved that the applicant has participated regularly in shooting competitions. "Regularly" is not defined by any number; there have to be so many competitions that it can be assumed that it is a serious shooting sport activity (Section 14 WaffG).

3. Until now minors from 14 years onwards were allowed to shoot with all firearms on a shooting range.

Now, minors from 14 – 18 years are only allowed to shoot with

a) short firearms up to a calibre of 5.6 mm and a maximum muzzle velocity of 200 joules

b) single-shot long firearms with smooth-bore barrels with a calibre of 12 or less (Section 27 WaffG).

Shooting with any other firearm is only allowed from the age limit of 18 years without any possibility of exemption.

(Note: Acquisition and ownership of firearms according to a) and b) is possible from the age of 18, Section 14 WaffG. For any other firearms 25 years applies; if a certificate of mental aptitude from a public health officer, specialist or psychologist is submitted 21 years applies, Section 6 WaffG.)

4. Section 36 WaffG und Sections 13, 14 AWaffV contain detailed regulations for storing weapons in classified weapon cabinets.

Due to the wrong storage of his weapon the father of the offender of Winnenden made it possible for him to get access to the pistol. That was a major point in the political discussion about the authorities' controlling possibilities.

Now, any owner of weapons must provide the authorities with proof how he/she stores his/her weapons. He/She must grant the authorities access to his/her home in order to check the storage of weapons and ammunition.

Article 13 of the Basic Law for the Federal Republic of Germany guarantees the inviolability of the home; therefore there are a few constitutional complaints pending with the Federal Constitutional Law against this new regulation.

5. The government has been empowered to stipulate additional requirements of technical security systems, such as the equipment of guns with electronic or biometric security systems, by way of an ordinance (i.e. without participation of the parliament) (Section 36 WaffG).
6. It is prohibited to carry (= outside the home)
 - a) specific knives (e.g. one-hand knives, fixed knives with a blade length of over 12 cm – even kitchen knives!) and
 - b) fake guns (Section 42 a WaffG).

Fake guns are objects which appear to be firearms but are not, e.g. mockups or disabled firearms.
7. The National Weapons Register, which has been already scheduled for 2014 according to the EU-directive on weaponry, must be established by 31/12/2012 (Section 43a WaffG). A draft bill will be presented in autumn.
8. Anyone who intentionally does not store a gun according to the rules and thereby causes a risk that the gun is lost, stolen or subject to unauthorized access will be subject to punishment of up to three years in prison (Section 52a WaffG).