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**Ordinance
on War Material
(War Material Ordinance, WMO)**

of 25 February 1998 (Status as of 1 October 2015)

The Swiss Federal Council,

based on the War Material Act of 13 December 1996¹ (WMA),
Article 150a paragraph 2 letter c of the Armed Forces Act of 3 February 1995²
and Article 43 of the Government and Administration Organisation Act of 21 March
1997^{3,4}

ordains:

Section 1: General Provisions

Art. 1 Scope of Application

¹ This Ordinance regulates initial licences and specific licences for the trade, brokerage, import, export and transit of war material as well as the conclusion of contracts for the transfer of intellectual property including know-how and the granting of rights thereto.⁵

² The Ordinance applies to Swiss customs territory, Swiss public customs warehouses, warehouses for bulk goods, bonded warehouses and Swiss customs-free zones.⁶

Art. 2 War material

(Art. 5 WMA)

The goods listed in Annex 1 constitute war material.

AS 1998 808

¹ SR 514.51

² SR 510.10

³ SR 172.010

⁴ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312)

⁵ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312)

⁶ Amended by Annex 4 No 10 of the Customs Ordinance of 1 Nov. 2006, in force since 1 May 2007 (AS 2007 1469)

Section 2: Initial Licences

Art. 3 Application (Art. 9 WMA)

The application for an initial licence must include:

- a. a list of the war material in respect of which a licence is being sought
- b.⁷ ...;
- c. an extract certificate from the Commercial Register;
- d. an extract certificate from the Tax Register;
- e. an extract certificate from the Debt Collection Register;
- f. in the case of natural persons, confirmation of place of residence.

Art. 4 Withdrawal and revocation (Art. 11 WMA)

¹ An initial licence to manufacture war material shall be withdrawn if it has not been used for five years.

² An initial licence for the trade or brokerage of war material shall be withdrawn if it has not been used for three years.

³ If an initial licence is withdrawn, revoked or has lapsed for any other reason, the war material that is still in the possession of the licence holder shall be sold or recycled under the supervision of the licensing authority.⁸

Section 3: Specific Licences

Art. 5 Licensing criteria for export trade (Art. 22 WMA)

¹ In the granting of a licence for export trade and for contracts under Article 20 WMA, the following is taken into account:

- a. the maintenance of peace, international security and regional stability;
- b.⁹ the situation in the country of destination, in particular with regard to respect for human rights and the non-use of child soldiers;
- c.¹⁰ the efforts made by Switzerland in the area of development cooperation, and in particular the possibility that the country of destination is listed as one of

⁷ Repealed by No I of the Ordinance of 21 Nov. 2001, with effect 1 March 2002 (AS 2002 312)

⁸ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312)

⁹ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312).

the least developed countries on the current OECD-DAC list of countries in receipt of development aid¹¹;

- d. the conduct of the country of destination towards the international community, in particular with regard to compliance with international law;
- e. the attitude of the countries which are participating with Switzerland in international export control regimes.

² Licences shall not be granted for export trade and for contracts under Article 20 WMA if:

- a. the country of destination is involved in an internal or international armed conflict;
- b. the country of destination violates human rights in a systematic and serious manner;
- c.¹² ...
- d.¹³ in the country of destination there is a high risk that the exported war material will be used against the civilian population; or
- e.¹⁴ in the country of destination there is a high risk that the exported war material will be passed on to an undesirable end recipient.¹⁵

³ In derogation from paragraphs 1 and 2, a licence may be granted for individual weapons in Category WM 1 of Annex 1 with the ammunition pertaining thereto, provided the weapons are used exclusively for private or sporting purposes.¹⁶

⁴ In derogation from paragraph 2 letter b, a licence may be granted if there is a low risk that the exported war material will be used to commit serious violations of human rights.¹⁷

Art. 5a¹⁸ Non-re-export declarations
(Art. 18 WMA)

¹ For a licence to be granted for the export of finished products or for individual parts or assembly packages to a foreign government or an undertaking acting on

¹⁰ Amended by No I of the Ordinance of 19 Sept. 2014, in force since 1 Nov. 2014 (AS **2014** 3045).

¹¹ The OECD-DAC List may be obtained at the following internet address: www.oecd.org

¹² Repealed by No I of the Ordinance of 19 Sept. 2014, with effect from 1 Nov. 2014 (AS **2014** 3045).

¹³ Amended by No I of the Ordinance of 19 Sept. 2014, in force since 1 Nov. 2014 (AS **2014** 3045).

¹⁴ Amended by No I of the Ordinance of 19 Sept. 2014, in force since 1 Nov. 2014 (AS **2014** 3045).

¹⁵ Inserted by No I of the Ordinance of 27 Aug. 2008, in force since 12 Dec. 2008 (AS **2008** 5495).

¹⁶ Inserted by No I of the Ordinance of 27 Aug. 2008, in force since 12 Dec. 2008 (AS **2008** 5495).

¹⁷ Inserted by No I of the Ordinance of 19 Sept. 2014, in force since 1 Nov. 2014 (AS **2014** 3045).

¹⁸ Inserted by No I of the Ordinance of 10 Oct. 2012, in force since 1 Nov. 2012 (AS **2012** 5533).

behalf of a foreign government, a non-re-export declaration from the government of the country of destination is required. The requirement for a non-re-export declaration is waived if the case involves individual parts or assembly packages of negligible value.

² By issuing the non-re-export declaration, the country of destination undertakes not to export, sell, lend, or gift the war material authority or to transfer it in any other way to third parties abroad without the consent of the licensing authority.

³ If there is an increased risk in the country of destination that the war material to be exported will be passed on to an undesirable end recipient, the licensing authority may stipulate that it has the right to verify compliance with the non-re-export declaration on site. In the case of export of substantial volume, a non-re-export declaration in the form of a diplomatic note from the country of destination is required.

⁴ If there is evidence that the non-re-export declaration has been violated, the licensing authority may take precautionary measures. The Federal Department of Economic Affairs decides whether a licence should be revoked.

Art. 5b¹⁹ Exports to non-governmental bodies
(Art. 18 WMA)

Any person who wishes to export war material to a body that is neither a foreign government nor an undertaking acting on behalf of a foreign government must demonstrate when filing the export licence application that the required authorisation for import has been issued by the country of final destination or that no such authorisation is required.

Art. 5c²⁰ Licence for the transit of civilian aircraft with war material on board
(Art. 17 para. 3 and 22 WMA)

¹ The transit of war material on board civilian aircraft shall be licensed provided that it is not contrary to international law, international obligations or the principles of Swiss foreign policy.

² When deciding on the licence, the responsible authority shall also take account of the criteria set out in Article 5.

Art. 6²¹ Licence to broker and trade
(Art. 15 and 16 or 16a and 16b WMA)

¹ Any person who manufactures war material in Switzerland in his own production plant may broker or trade abroad without a specific licence only if an initial licence for the brokerage or the trade of products analogous to those manufactured in the production plant has been granted.

¹⁹ Originally Art. 5a. Inserted by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312).

²⁰ Inserted by No I of the Ordinance of 19 Aug. 2015, in force since 1 Oct. 2015 (AS 2015 2943).

²¹ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312).

² No specific licence is required for the brokerage of or the trade in war material involving states listed in Annex 2; however, dealers and professional brokers require an initial licence.

³ Paragraphs 1 and 2 apply by analogy to the cases in Articles 15 paragraph 3 or 16a paragraph 3 WMA; where, however, specific licences are required, evidence must be provided on filing the licence application that a licence to trade arms has been obtained.

Art. 6a²² Exemption from import or transit licence
(Art. 17 WMA)

¹ Air passengers who stop over in Switzerland do not require a transit licence for firearms, their components and accessories, and their ammunition and munitions components that they are carrying in their baggage for personal use provided such goods do not leave the transit area of the airport. This regulation also applies by analogy to baggage that is sent in advance or forwarded.

² No transit licence is required by persons wishing to carry firearms, their components and accessories, and their ammunition and munitions components with an accompanying document from a state that is bound by any one of the Schengen Association Agreements (a Schengen state) via Switzerland to another Schengen state.

³ No transit licence is required by persons wishing to export for non-commercial purposes firearms, their components and accessories, and their ammunition and munitions components to another Schengen state.

⁴ The Schengen Association Agreements are listed in Annex 3.

Art. 7 Licence for the transfer of intellectual property or the granting of rights thereto
(Art. 20 and 21 WMA)

No specific licence is required in order to enter into contracts relating to the transfer of intellectual property, including know-how, related to war material, or the granting of rights thereto provided such property or rights are intended for states that are listed in Annex 2.

Art. 8 Diplomatic or consular missions and international organisations

Deliveries to and from diplomatic or consular missions as well as to and from international organisations in Switzerland and in the Principality of Liechtenstein are deemed to be imports and exports respectively.

²² Inserted by No I of the Ordinance of 21. Nov. 2001 (AS **2002** 312). Amended by Annex 4 No II 2 of the Weapons Ordinance of 2 July 2008, in force since 12 Dec. 2008 (AS **2008** 5525).

Art. 9²³ Relief for temporary export and transit

¹ No licence is required by persons in the following categories for the temporary export and transit of firearms with the ammunition pertaining thereto:

- a. persons travelling through Switzerland provided the weapons are recorded in the European Firearms Pass;
- b. marksmen and hunters provided they furnish credible evidence that they are participating abroad in a shooting competition, in shooting or other training or in a hunt and that they will thereafter re-import the weapons in question;
- c. security agents employed by foreign states travelling through Switzerland for official pre-arranged foreign visits;
- d. security agents employed by the Swiss authorities for official, pre-arranged foreign visits, provided the weapons are subsequently re-imported;
- e. members of foreign police forces or customs authorities for professional or training-related transit journeys;
- f. members of Swiss police forces and employees of the Federal Customs Administration for professional or training-related journeys abroad, provided the weapons are subsequently re-imported;
- g. security guards for airlines accompanying passenger flights to foreign destinations;
- h. security guards for airlines accompanying passenger flights from abroad to destinations in Switzerland or stopping over in Switzerland, provided the weapons do not leave the transit area of the airport.

² The import and re-export of firearms with the ammunition pertaining thereto by persons in the categories mentioned in paragraph 1 are governed by the legislation on weapons.

Art. 9a²⁴**Art. 9b²⁵** Simplified procedure for security agents involved in the transport of valuables and persons

¹ Security agents involved in the transport of valuables or of persons who export and re-import or carry in transit firearms²⁶ together with the ammunition pertaining thereto as part of their duties require only one licence for each weapon and its am-

²³ Amended by No I of the Ordinance of 27 Aug. 2008, in force since 12 Dec. 2008 (AS **2008** 5495).

²⁴ Inserted by Art. 50 No 3 of the Weapons Ordinance of 21 Sept. 1998, in its version of 16 March 2001 (AS **2001** 1009). Repealed by No I of the Ordinance of 27 Aug. 2008, with effect from 12 Dec. 2008 (AS **2008** 5495).

²⁵ Inserted by Art. 50 No 3 of the Weapons Ordinance of 21. Sept. 1998, in its version of 16 March 2001 (AS **2001** 1009). Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

²⁶ Term in accordance with Annex 4 No II 2 of the Weapons Ordinance of 2 July 2008, in force since 12 Dec. 2008 (AS **2008** 5525). This amendment has been made throughout the text.

munition. This licence is valid for one year and entitles the holder to cross the border as often as required.

² The import and re-export of firearms together with the ammunition pertaining thereto as part of their duties is governed by the legislation on weapons.

Art. 9e²⁷ Simplified procedure for repairs, exhibitions, performances or valuations

¹ For war material that is temporarily exported for repair, for an exhibition, to be used in a performance or for valuation the export licence is also valid for its re-import.

² For war material that is temporarily imported for an exhibition, performance or for valuation, paragraph 1 applies by analogy.

³ War material that is also covered by the Weapons Act of 20 June 1997²⁸ remains subject to the provisions of the legislation on weapons.

Art. 9d²⁹ Exemption for training and the international deployment of military units

¹ Swiss military units and their members do not require a licence for the export or re-import of war material that they take abroad for the purposes of international missions or training.

² Foreign military units and their members that enter Switzerland for training purposes do not require a licence for the import or re-export of the war material that they bring with them for this purpose.

³ Foreign military units and their members do not require a transit licence for war material that they carry through Switzerland en route to training events in third countries or as part of international missions, provided Swiss military units or their members also take part in these training events or international missions.

⁴ War material that is also covered by the Weapons Act of 20 June 1997³⁰ remains subject to the provisions of the legislation on weapons.

Art. 9e³¹ Simplified procedure for import and transit

¹ Manufacturers who hold an initial licence may apply for a general import licence (GIL) for the import of individual parts, assembly packages or anonymous components of war material in terms of Article 18 paragraph 2 WMA, provided the parts concerned do not fall within the scope of application of the Weapons Act of 20 June

²⁷ Inserted by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312).

²⁸ SR 514.54

²⁹ Inserted by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312).

³⁰ SR 514.54

³¹ Inserted by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312).

1997³². An individual licence is required in every case for the temporary import of such war material with the ATA Carnet or in the procedure for temporary use.³³

² Holders of initial licences and transport and haulage undertakings with a domicile or permanent establishment in Switzerland may apply for a general transit licence (GTL) for the transit of war material to countries of final destination that are listed in Annex 2.³⁴

³ The licensing authority may at any time demand from the licensee information on the nature, quantity, customs clearance data and end use of goods that are or have been imported or transported in transit in terms of a GIL or GTL; the obligation to provide information expires ten years after customs clearance.³⁵

⁴ The licensing authority shall refuse a GIL or a GTL if the natural person or legal entity or its management bodies in the two years prior to filing an application have been convicted with full legal effect of an offence under the WMA, the Goods Control Act of 13 December 1996³⁶ or the Weapons Act of 20 June 1997. It shall refuse a GIL if there are grounds for refusal under Article 24 WMA.

⁵ The GIL or the GTL shall in such cases be refused for a period of one year; where there is justification, this period may be reduced to six months.

Section 4: Import Certificates

Art. 10 Import certificate

¹ On written application from the importer, the State Secretariat for Economic Affairs (SECO) shall issue, in addition to the import licence, an official import certificate for the import of war material, provided:³⁷

- a. this is expressly requested by the country supplying the war material; and
- b.³⁸ the applicant is domiciled or resident in Switzerland or in Liechtenstein.

² It may make the issuing of import certificates subject to the provision of proof regarding the intended import (copies of orders, etc.) and the end use of the war material.

³ It shall monitor the import of goods in respect of which it has issued such certificates.

³² SR 514.54

³³ Amended by No I of the Ordinance of 27 Aug. 2008, in force since 12 Dec. 2008 (AS 2008 5495).

³⁴ Amended by No I of the Ordinance of 27 Aug. 2008, in force since 12 Dec. 2008 (AS 2008 5495).

³⁵ Amended by Annex 4 No 10 of the Customs Ordinance of 1 Nov. 2006, in force since 1 May 2007 (AS 2007 1469).

³⁶ SR 946.202

³⁷ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312).

³⁸ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312).

Art. 11 Requirements

¹ The importer must import the war material for which an import certificate has been issued within six months of the issue of the import certificate. This period may be extended in response to a justified written request.

² He must prove to SECO that the import has taken place by providing the original customs documents and the relevant invoices from the supplier. Proof must be provided without delay following receipt of the original customs documents. Temporary use procedures under an ATA Carnet do not constitute customs clearance.³⁹

Art. 12 Unused or partially used import certificates

¹ If war material in respect of which an import certificate has been issued is not imported into Switzerland, the import certificate must be returned to SECO.⁴⁰

² If the import certificate cannot be retrieved from the foreign authority or if only part of the authorised war material has been imported, then the importer must notify SECO of this in writing before the expiry of the period allowed for the import of the material.

Section 5: Licensing Procedure**Art. 13** Licensing authority

¹ The licensing authority is SECO, subject to the reservation of paragraph 3.⁴¹

² ...⁴²

^{2bis} ...⁴³

³ The responsibility for the transit of military and other state aircraft is governed by the Ordinance of 23 March 2005⁴⁴ on the Protection of Airspace Sovereignty.⁴⁵

³⁹ Amended by Annex 4 No 10 of the Customs Ordinance of 1 Nov. 2006, in force since 1 May 2007 (AS **2001** 1469).

⁴⁰ Title in accordance with Art. 21 No 4 of the Ordinance of 17 Nov. 1999, in force since 1 July 1999 (AS **2000** 187). This amendment has been taken into account throughout this Ordinance.

⁴¹ Amended by No I of the Ordinance on War Material of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

⁴² Repealed by No I of the Ordinance on War Material of 21 Nov. 2001, with effect 1 March 2002 (AS **2002** 312).

⁴³ Inserted by Art. 50 No 3 of the Weapons Ordinance of 21 Sept. 1998, in its version of 16 March 2001 (AS **2001** 1009). Repealed by No I of the Ordinance of 21 Nov. 2001, with effect 1 March 2002 (AS **2001** 312).

⁴⁴ SR **748.111.1**

⁴⁵ Amended by No I of the Ordinance of 19 Aug. 2015, in force since 1 Oct. 2015 (AS **2015** 2943).

Art. 14 Procedure
(Art. 29 WMA)

¹ SECO shall decide on applications for the granting of an initial licence after consulting the Federal Intelligence Service (FIS).⁴⁶

² In the case of the licensing of foreign transactions under Article 22 WMA and of entering into contract in terms of Article 20 WMA, SECO shall decide in consultation with the responsible offices of the Federal Department of Foreign Affairs (DFA). The decision of SECO shall also be taken in consultation with:⁴⁷

- a. the responsible offices of the Federal Department of Defence, Civil Protection and Sport⁴⁸ in the case of security or procurement policy matters;
- b. the Federal Office for Energy in the case of nuclear related matters.
- c.⁴⁹ the Federal Office of Civil Aviation and the responsible offices of the Federal Department of Defence, Civil Protection and Sport in the case of transit with civilian aircraft.

^{2bis} SECO shall consult the FIS in the case of significant licensing proceedings.⁵⁰

³ The offices involved shall decide which applications are of major significance to foreign policy or security policy in accordance with Article 29 paragraph 2 WMA and must therefore be submitted to the Federal Council for decision.⁵¹

⁴ If the offices involved are unable to agree on the treatment of a request in terms of paragraphs 2 or 3, the application shall be submitted to the Federal Council for decision.

⁵ The offices involved may in cases of minor significance or where there are precedents for the decision waive the requirement of a joint decision and authorise SECO to take a decision alone.

Art. 15⁵² Prohibition of assignment and term of validity

¹ Initial, general and specific licences may not be assigned.

² Import, export and transit licences are valid for one year and may be extended by a maximum of six months.

⁴⁶ Amended by Annex 4 No II 20 of the Ordinance of 4 Dec. 2009 on the Federal Intelligence Service, in force since 1 Jan. 2010 (AS **2009** 6937).

⁴⁷ Amended by No I of the Ordinance of 19 Aug. 2015, in force since 1 Oct. 2015 (AS **2015** 2943).

⁴⁸ Title in accordance with unpublished Federal Council Decree dated 19 Dec. 1997.

⁴⁹ Inserted by No I of the Ordinance of 19 Aug. 2015, in force since 1 Oct. 2015 (AS **2015** 2943).

⁵⁰ Inserted by No I of the Ordinance of 27 Aug. 2008 (AS **2008** 5495). Amended by Annex 4 No II 20 of the Ordinance of 4 Dec. 2009 on the Federal Intelligence Service, in force since 1 Jan. 2010 (AS **2009** 6937).

⁵¹ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

⁵² Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

³ General import licences and general transit licences are valid for two years. If they have been issued on the basis of an initial licence, they cease to be valid on the expiry of the initial licence.

Art. 16⁵³ Customs clearance

Customs clearance for import, export and transit is governed by the provisions of the customs legislation.

Section 6: Controls and Administrative Measures

Art. 17 Obligation to maintain records

¹ Records must be maintained on the manufacture, purchase, sale, or brokerage of or any other form of trade in war material, as well as contracts entered into in terms of Article 20 WMA. The records must at all times disclose:

- a. the entries, exits and stocks of war material;
- b. the names and addresses of suppliers, purchasers and contractual parties;
- c. the data and subject matter of commercial transactions.

² The following documents must be available for inspection for a period of ten years in order to substantiate records:

- a. invoices from suppliers;
- b. copies of invoices addressed to purchasers and contractual parties; where payment is made in cash, receipts for the goods signed by the purchasers;
- c. contracts relating to transactions relating to intellectual property including know-how pertaining to war material.
- d.⁵⁴ Transport documents with details of the transit states.

Art. 18 Duty of diligence

A person required to maintain records must, prior to handing over material or transferring intellectual property including know-how, ascertain by means of official identity documents the personal details and address of the purchaser or contractual party, if these are not already known to him.

Art. 19 Controls

¹ SECO carries out the controls.

⁵³ Amended by Annex 4 No 10 of the Customs Ordinance of 1 Nov. 2006, in force since 1 May 2007 (AS **2007** 1489)

⁵⁴ Inserted by Schedule 2 No 2 of the Ordinance of 21 Nov. 2012, in force since 1 Jan. 2013 (AS **2012** 6781).

² Controls at the border are the responsibility of the Federal Customs Administration.⁵⁵

Art. 20⁵⁶ Examination by the Central Office for the Combating
the Illegal Trade in War Material

The Central Office for Combating the Illegal Trade in War Material must in particular examine whether supplies of war material have arrived at the planned and approved destinations.

Art. 21⁵⁷ Administrative measures

¹ General import and general transit licences may be revoked if exceptional circumstances so require. They shall be revoked if, following their granting, circumstances have changed to the extent that the requirements for refusal under Article 9e paragraph 4 are fulfilled.

² If anyone fails to comply with the conditions or requirements attached to licences and import certificates, or regulations and orders based on the legislation on war material, the licensing authority may revoke the licence that has been granted to him, or may refuse to extend or renew the licence, or to grant further licences or import certificates for a certain period of time.

Section 7: Fees

Art. 22 Fees
(Art. 31 WMA)

¹ The licence fees are as follows:

- a. for first issue of an initial licence, 500 francs;
- b. for the subsequent amendment, modification or reissue of an initial licence, 250 francs;
- c. for import and export licences: 0.8 per cent of the value of the goods, but with the minimum fee being 50 francs and the maximum 5000 francs;
- d.⁵⁸ for brokerage, trading, general import and general transit licences as well as licences for contracts under Article 20 WMA: 200 francs;

⁵⁵ Amended by No I of the Ordinance of 27 Aug. 2008, in force since 12 Dec. 2008 (AS **2008** 5495).

⁵⁶ Amended by Annex No 19 of the Ordinance of 12 Dec. 2008, in force since 1 Jan. 2009 (AS **2008** 6305).

⁵⁷ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

⁵⁸ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

e. ⁵⁹ ...;

f. ⁶⁰ for specific transit licences: 100 francs.

² The fees in terms of paragraph 1 letters a, b, d and f may, if exceptional costs are incurred in the granting of a licence, be increased by a maximum of one half of the stipulated fee.⁶¹

³ If import or export licences are not or are only partially used, or if the licensed goods are returned, application may be made for the excess fee to be refunded, under deduction of the administrative costs. The application must be made at the latest three years following issue of the licence.

⁴ No fees are charged for import and export licences for war material that is intended for the Swiss armed forces, the Swiss Customs Administration, for Swiss and Liechtenstein police forces or for international organisations or their offices in Switzerland.⁶²

⁵ No fees are charged for transit licences for:

- a. ⁶³ firearms, and the ammunition pertaining thereto that are carried in transit by marksmen or hunters, provided they produce credible evidence that they are to be used for participating in a third country in a shooting competition, in shooting or other training or in a hunt;
- b. war material that must be carried in transit through Switzerland in the course of police-type or judicial investigation proceedings in third countries;
- c. ⁶⁴, ⁶⁵ ...

⁶ No fees are charged for:

- a. the rejection of licensing applications, or the suspension and recall of licences;
- b. the extension of licences;
- c. controls as under Article 19;
- d. services, in particular responding to enquiries, company visits and information events.⁶⁶

⁵⁹ Repealed by No I of the Ordinance of 21 Nov. 2001, with effect 1 March 2002 (AS **2002** 312).

⁶⁰ Inserted by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

⁶¹ Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

⁶² Amended by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

⁶³ Amended by No I of the Ordinance of 27 Aug. 2008, in force since 12 Dec. 2008 (AS **2008** 5495).

⁶⁴ Repealed by No I of the Ordinance of 27 Aug. 2008, with effect from 12 Dec. 2008 (AS **2008** 5495).

⁶⁵ Inserted by No I of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

⁶⁶ Inserted by No I of the Ordinance of 16 June 2006, in force since 1 Aug. 2006 (AS **2006** 2671).

⁷ In addition, the provisions of the General Fees Ordinance of 8 September 2004⁶⁷ apply.⁶⁸

Section 8: Final Provisions

Art. 23 Implementation

¹ SECO shall implement this Ordinance.

² Information on the legislation on war material may be obtained from SECO.

Art. 24 Repeal of current legislation

The Ordinance of 10 January 1973⁶⁹ on War Material is repealed.

Art. 24a⁷⁰ Transitional provision to the amendment of 19 September 2014

Applications that are pending when the amendments of 19 September 2014 come into force are dealt with under the new law.

Art. 25

¹ and ² ... ⁷¹

³ ⁷² ...

Art. 26 Commencement

This Ordinance comes into force on 1 April 1998.

⁶⁷ SR 172.041.1

⁶⁸ Inserted by No I of the Ordinance of 16 June 2006, in force since 1 Aug. 2006 (AS 2006 2671).

⁶⁹ [AS 1973 116, 1978 199, 1980 536 Art. 91, 1987 791, 1992 2497, 1996 1035 No II, 1997 17 Art. 38 No 2]

⁷⁰ Inserted by No I of the Ordinance of 19 Sept. 2014, in force since 1 Nov. 2014 (AS 2014 3045).

⁷¹ Repealed by No I of the Ordinance of 21 Nov. 2001, with effect 1 March 2002 (AS 2002 312)

⁷² Inserted by No I of the Ordinance on War Material of Nov. 2001 (AS 2002 312). Repealed by No IV 14 of the Ordinance of 22 Aug. 2007 on the formal revision of the Federal Act, with effect from 1 Jan. 2008 (AS 2007 4477)

Annex 173
(Art. 2)

List of War material

Note:

The goods listed as the Annex to the War Material Ordinance originate from the “Munitions List” (ML) in the Wassenaar Arrangement. The numbers allocated to the individual items correspond to those in the ML. Any goods that are not listed below, but which are contained in the ML are deemed to be “special military goods” and are subject to the provisions of the Goods Control Act of 13 December 1996 (SR **946.202**).

Table of Contents

Item	Description of goods
ML 1	Hand guns and small arms of any calibre
ML 2	Weapons of any calibre (but excluding hand guns and small arms controlled by ML 1)
ML 3	Ammunition for the weapons controlled by ML 1, 2 or 12
ML 4	Bombs, torpedoes, rockets, and missiles
ML 5	Fire control equipment
ML 6	Armoured vehicles and other ground vehicles
ML 7	Tear gases and other irritants
ML 8	Military explosives, combustible substances and fuels
ML 9	Vessels of war
ML 10	Manned and unmanned aircraft including aero-engines
ML 11	Electronic equipment
ML 12	High velocity kinetic energy weapons systems
ML 13	Special armoured or protective equipment
ML 14	(Contains no war material; listed in order that numbering corresponds to ML)
ML 15	(Contains no war material; listed in order that numbering corresponds to ML)
ML 16	Forgings, castings and other unfinished products
ML 17	Miscellaneous equipment (robots, etc.)
ML 18	(Contains no war material; listed in order that numbering corresponds to ML)
ML 19	Directed energy weapons systems (e.g. laser systems)
ML 20	Cryogenic (low temperature) and superconductive equipment
ML 21	Software
ML 22	(Contains no war material; listed in order that numbering corresponds to ML)

⁷³ Revised in accordance with Nos. I of the Ordinance of 25 Aug. 1999, in force since 1 Oct. 1999 (AS **1999** 2454) and II of the Ordinance of 21 Nov. 2001, in force since 1 March 2002 (AS **2002** 312).

Item	Description of goods
ML 1	<p>Hand guns and small arms of any calibre and accessories and specially designed components therefor, but not including:</p> <ol style="list-style-type: none"> Clearly recognisable hunting and sports weapons (e.g. as per ISSF standard) that cannot also be used as military weapons in the same form; Single-shot firearms and muzzle-loading firearms; Small arms and repeating rifles for rimfire ammunition; Antique weapons for which usable ammunition is no longer produced or which are no longer available on the public market. <p>Note: ML 1.d. also controls the following weapons:</p> <ol style="list-style-type: none"> Muskets, rifles and carbines manufactured before 1890 , and their reproductions; Revolvers, pistols and machine guns manufactured before 1890 , and their reproductions. <p>ML 1.a. to ML 1.d. also control weapons specially designed to fire dummy ammunition, which cannot fire ammunition controlled by ML 3.</p>
ML 2	<p>Weapons and armaments of any calibre (but not including hand-guns and small arms controlled by ML 1), projectors and accessories as follows, and specially designed components therefor:</p> <ol style="list-style-type: none"> Guns, howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers and recoilless weapons; <p>Note: ML 2.a. includes injectors, metering devices, storage tanks and specially designed components for use with liquid propelling charges for any of the equipment controlled by ML 2.a.</p> <ol style="list-style-type: none"> Military smoke and gas projectors, military pyrotechnic projectors or generators. <p>Note: ML 2.b. does not control signal pistols.</p>
ML 3	<p>Ammunition for weapons controlled by ML 1, ML 2 or ML 12 as well as specially designed components therefor</p> <p>Notes:</p> <ol style="list-style-type: none"> Specially designed components include: <ol style="list-style-type: none"> Metal or plastic components, e.g. primer anvils, bullet cups, cartridge links, rotating bands and other metal munitions parts; Safing and arming devices, fuses, sensors and initiation devices; Power supplies with high one-time operational output; Combustible cases for propelling charges; Submunitions including bomblets, minelets and terminally guided projectiles. ML 3 does not control ammunition without a projectile (blank star) and dummy ammunition with a pierced powder chamber.

Item	Description of goods
ML 4	<p data-bbox="331 236 1008 312">Bombs, torpedoes, rockets, missiles and related equipment and accessories as follows, specially designed for military use, and specially designed components therefor:</p> <p data-bbox="331 328 1008 430">Bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition charges and accessories, military pyrotechnics, flares and manoeuvre ammunition (i.e. equipment, simulating the characteristics of any of the items controlled by ML 4).</p> <p data-bbox="331 440 378 456">Note:</p> <p data-bbox="331 459 461 475">ML 4 includes:</p> <ol data-bbox="360 491 1025 561" style="list-style-type: none"> 1. Smoke grenades, fire bombs, incendiary munitions and explosive devices; 2. Missiles rocket nozzles and nose-tips for re-entry vehicles.
ML 5	<p data-bbox="331 587 996 663">Fire control equipment specially designed for military use, as follows, as well as specially designed components and accessories therefor</p> <ol data-bbox="360 673 1025 785" style="list-style-type: none"> a. weapons sights, bombing computers, gun laying equipment and weapon control systems; b. Target acquisition, designation, range-finding, surveillance or tracking systems; detection or data merger devices (data merger) and sensor integration equipment.
ML 6	<p data-bbox="331 810 985 861">Armoured and other ground vehicles, and components therefor, specially designed or modified for military use</p> <p data-bbox="331 871 463 887">Technical note:</p> <p data-bbox="331 890 994 906">The term “ground vehicles” in ML 6 also includes specially equipped trailers.</p> <p data-bbox="331 919 412 935">Remarks:</p> <ol data-bbox="360 951 1025 1406" style="list-style-type: none"> 1. ML 6 includes: <ol data-bbox="403 976 1025 1174" style="list-style-type: none"> a. Armoured vehicles, with or without weapons, specifically designed or modified for military use (also includes armoured recovery vehicles) b. Other vehicles of any type that are specifically designed or modified for using weapons (e.g. combat vehicles, armed or unarmed, equipped with mountings for arms or equipment for mine laying or for the launching of munitions controlled under ML 4); c. Tracked vehicles that are specifically designed or modified for military use. 2. The design or modification of the abovementioned ground vehicles for military use may entail a structural, electrical or mechanical modification, involving one or more specially designed components. Such components include: <ol data-bbox="403 1270 1025 1406" style="list-style-type: none"> a. Pneumatic tyre casings designed to be bullet-proof or to run when deflated; b. Tyre inflation pressure control systems that can be operated from within a moving vehicle; c. armoured protection of vital parts (e.g. fuel tanks or vehicle cabins); d. special reinforcements for the mounting of weapons.

Item	Description of goods
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3. ML 6 does not control civilian automobiles or trucks designed or modified for transporting money or valuables that have armoured or ballistic protection.

ML 7 Tear gases and other “riot control” agents:

1. CA: bromobenzyl cyanide (CAS-No. 5798-79-8);
 2. CS: o- chlorobenzylidenemalononitrile (CAS-No. 2698-41-1);
 3. CN: ω-chloroacetophenone (CAS-No. 532-27-4);
 4. CR: Dibenz-b,f)1,4-oxazephine-b,f)1,4-oxazephine-(b,f)-1,4-oxazephine-(b,f)-1,4-oxazephine (CAS-No. 257-07-8).
- introduction:

1. The following are not controlled:
 - a. ethyl bromoacetate;
 - b. xylyl bromide;
 - c. benzyl bromide;
 - d. benzyl iodide;
 - e. bromo acetone;
 - f. cyanogen bromide;
 - g. bromo methylethylketone;
 - h. chloro acetone;
 - i. ethyl iodoacetate;
 - j. iodo acetone.
2. Individually packaged tear gases or other irritants for personal self-defence purposes are not controlled.

ML 8 Military explosives and combustible agents, including fuels:

- a. Explosives and fuels that fulfil the following performance parameters:
 1. Explosives with a detonation velocity exceeding 8700 m/s or a detonation pressure exceeding 34 GPa (340 kbar);
 2. Organic explosives yielding a detonation pressure of 25 GPa (250 kbar) or more that will remain stable at temperatures of 250°C (523 K) or higher for periods of 5 min or longer;
 3. Solid propellants in UN Class 1.1 with a theoretical specific impulse (under standard conditions) of more than 250 seconds for non-metalised, or more than 270 seconds for aluminised compositions;
 4. Solid propellants in UN Class 1.3 with a theoretical specific impulse of more than 230 seconds for non-halogenised, 250 seconds for non-metalised, and 266 seconds for metalised compositions;
 5. Propellant powder with a force constant exceeding 1200 kJ/kg;

Item	Description of goods
	<ol style="list-style-type: none"> 6. Explosives, fuels or pyrotechnics that can sustain a steady-state linear burning rate of more than 38 mm/s at 6.89 MPa (68,9 bar) pressure and 21°C (294 K); or 7. Elastomer modified cast double base propellants (EMCDB) with an extensibility at maximum stress of more than 5% at -40 °C (233 K); <ol style="list-style-type: none"> b. Military pyrotechnics; c. Other substances as follows: <ol style="list-style-type: none"> 1. Aircraft fuels specially designed for military use; 2. Military materials containing thickeners for hydrocarbon fuels specially developed for use in flame throwers or incendiary munitions, such as metal stearates or palmates (octal) (CAS-No. 637-12-7) and M1, M2, and M3 thickeners; 3. Liquid oxidisers comprised of or containing inhibited red fuming nitric acid (IRFNA) or oxygen difluoride.

Note:

Aircraft fuels that are controlled by ML 8.c.1. are finished products and not their constituents.

ML 9 Vessels of war and accessories as follows as well as components therefor, specially designed for military use:

- a. Combatant vessels or vessels (surface or underwater) specially designed or modified for offensive or defensive action, whether or not converted for non-military use, and regardless of current state of repair or operating condition or whether or not they contain weapons delivery systems or armour, as well as hulls or parts of hulls for such vessels;
- b. Engines as follows:
 1. Diesel engines specially designed for submarines, with both of the following characteristics:
 - a. power output of 1.12 MW (1500 PS) or more; and
 - b. rotary speed of 700 rpm or more;
 2. Electric motors specially designed for submarines, with all of the following characteristics:
 - a. power output of more than 0.75 MW (1000 PS);
 - b. quick reversing;
 - c. liquid cooled; and
 - d. totally enclosed;
 3. Non-magnetic diesel engines with a power output of 37.3 kW (50 PS) or more and with a non-magnetic content of more than 75% of the total mass.

Item	Description of goods
ML 10	<p>Aircraft, unmanned aircraft, aero-engines, aircraft equipment, related equipment and components, specially designed or modified for military use, as follows:</p> <ul style="list-style-type: none"> a. Combat aircraft and helicopters and specially designed components therefor; b. Other aircraft, specially designed or modified for military use; c. Aero-engines for aircraft under letters a and b above and specially designed components therefor; d. Unmanned aircraft including remotely piloted air vehicles (RPVs) and autonomous, programmable vehicles, specially designed or modified for military use, as well as their launchers, ground support equipment and related equipment for command and control.

Notes:

1. ML 10.b. does not control aircraft or variants of such aircraft that are specially designed for military use that:
 - a. are not configured for military use and are not fitted with technical equipment or attachments that are specially designed or modified for military use; and
 - b. have been certified for civil use by a civil aviation authority in a participating state.
2. ML 10.c. does not control:
 - a. Aero-engines designed or modified for military use that have been certified by the civil aviation authority of a participating state for use in civil aircraft, as well as specially designed components therefor;
 - b. reciprocating engines or specially designed components therefor.
3. The control in ML 10.b. and ML 10.c. on specially designed components and related equipment for non-military aircraft or aero-engines modified for military use applies only to those military components and related military equipment required for the modification for military use.
4. ML 10.d does not include reconnaissance drones.

ML 11 Electronic equipment specially designed for military use not controlled elsewhere in this list, and specially designed components therefor

Note:

ML 11 includes the following:

- a. Equipment for electronic countermeasures (ECM) and electronic counter-countermeasure equipment (ECCM), including electronic jamming and counter-jamming equipment, i.e. equipment designed to introduce extraneous signals or erroneous signals into radar or radio communication receivers or otherwise hinder the reception, operation or effectiveness of adversary receivers including their countermeasures equipment;
- b. Equipment for underwater countermeasures including acoustic and magnetic jamming and decoy that introduce extraneous signals or erroneous signals into sonar receivers.

Item	Description of goods
ML 12	<p data-bbox="330 231 1002 287">High velocity kinetic energy weapon systems as follows, as well as specially designed components therefor:</p> <p data-bbox="330 295 1024 351">Kinetic energy weapon systems specially designed for the destruction or defence against (mission abort) of a target.</p> <p data-bbox="330 359 386 383">Notes:</p> <ol data-bbox="358 391 1024 949" style="list-style-type: none"> ML 12 includes the following when specially designed for kinetic energy weapons systems: <ol style="list-style-type: none"> Launch propulsion systems capable of accelerating masses larger than 1 g to velocities in excess of 1.6 km/s in single rapid fire modes; Prime power, electric armour, energy storage, thermal management, conditioning, switching or fuel handling equipment, electrical interfaces between power supply, gun and other tower electric drive functions; target acquisition, tracking, fire control or damage assessment systems; homing seeker, guidance or divert propulsion (lateral acceleration) systems for projectiles. ML 12 controls systems using any of the following methods of propulsion: <ol style="list-style-type: none"> electromagnetic; electrothermal; plasma; light gas; or chemical (when used in combination with any of the above). ML 12 does not control the technology for magnetic induction in the permanent propulsion of civil transport systems. Weapons that use sub-calibre ammunition or work solely by chemical propulsion, and ammunition therefor: see ML 1, ML 2, ML 3 and ML 4.
ML 13	<p data-bbox="330 973 1002 1029">Special armoured or protective equipment and constructions and components, as follows:</p> <ol style="list-style-type: none"> Armoured plate as follows: <ol style="list-style-type: none"> manufactured to comply with military standard or specification; or suitable for military use; Constructions of metallic and non-metallic materials or combinations thereof specially designed to provide ballistic protection for military systems. <p data-bbox="375 1252 1024 1324">Note: ML 13.b. includes materials specially designed to form explosive reactive armour or to construct military shelters.</p>
ML 14	<p data-bbox="330 1380 996 1436">(Contains no war material; listed in order that numbering corresponds to ML)</p>

Item	Description of goods
ML 15	(Contains no war material; listed in order that numbering corresponds to ML)
ML 16	Forgings, castings and other unfinished products the use of which in a controlled product is identifiable by material composition, geometry or function, and which are specially designed for any products controlled by ML 1, ML 2, ML 3, ML 4, ML 6, ML 9, ML 10, ML 12 or ML 19.
ML 17	Miscellaneous equipment, materials and libraries, as follows, and specially designed components therefor: <ul style="list-style-type: none">a. Robots, robot controllers and robot-end-effectors specially designed for Military use;b. Libraries (parametric technical databases) specially designed for military use with equipment controlled by this list;c. Nuclear power generating equipment or propulsion equipment including nuclear reactors, specially designed for military use, and components therefore specially designed or modified for military use. <p>Technical Notes: For the purpose of ML 17, the term “library” (parametric technical database) means a collection of technical information of a military nature, reference to which may enhance the performance of military equipment or systems.</p>
ML 18	(Contains no war material; listed in order that numbering corresponds to ML)
ML 19	Directed energy weapon systems as follows and specially designed components therefor: <ul style="list-style-type: none">a. Laser systems specially designed for the destruction or defence against (mission abort) of a target;b. Particle beam systems capable of the destruction or defence against (mission abort) of a target;c. High power radio-frequency systems capable of the destruction or defence against (mission abort) of a target. <p>Notes:</p> <ol style="list-style-type: none">1. Directed energy weapon systems controlled by ML 19 include systems whose capability is derived from the controlled application of:<ul style="list-style-type: none">a. lasers with sufficient continuous wave or pulsed power to effect destruction comparable with that of conventional ammunition;b. particle accelerators that project a charged or neutral particle beam with destructive power;c. radio frequency beam transmitters with high pulsed power or high average power that produce fields sufficiently intense to disable electronic circuitry in a distant target.

Item	Description of goods
2.	ML 19 includes the following when specially designed for directed energy weapon systems: <ol style="list-style-type: none"> Prime power generation, energy storage, switching, energy conditioning and fuel-handling equipment; Target acquisition and tracking systems; Systems for assessing target damage, destruction or mission abort; Beam-handling, propagation or pointing equipment; Equipment with rapid beam slew capability for rapid multiple target operations; Adaptive optics and phase conjugators; Current injectors for negative hydrogen ion beams; Space qualified accelerator components; Negative ion beam funnelling equipment; Equipment for controlling and slewing a high energy ion beam; Space qualified foils for neutralising negative hydrogen isotope beams

ML 20 Cryogenic (low temperature) and superconductive equipment, as follows, and specially designed components and accessories therefor:

- a. Equipment specially designed or configured for installation in a vehicle for military ground, marine, airborne or space applications as per this list capable while in motion of producing or maintaining temperatures below -170°C (103 K):

Note:

ML 20.a. includes mobile systems incorporating or employing accessories and components manufactured from non-metallic or non-electrical conductive materials, such as plastics or epoxy-impregnated materials.

- b. Superconductive electrical equipment (rotating machinery and transformers), specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications as per this list, and capable of operating while in motion.

Note:

ML 20.b. does not control direct-current hybrid, homopolar generators that have single-pole, normal metal armatures that rotate in a magnetic field produced by superconductive windings, provided those windings are the only superconductive component in the generator.

ML 21 Software, as follows:

Software specially designed or modified for the use of products that are controlled by this list.

ML 22 (Contains no war material; listed in order that numbering corresponds to ML)

*Annex 2*⁷⁴
(Art. 6 and 7)

List of countries where no specific licences are required in terms of Articles 6 and 7 WMO

Argentina
Australia
Belgium
Denmark
Germany
Finland
France
Greece
Great Britain
Ireland
Italy
Japan
Canada
Luxembourg
New Zealand
Netherlands
Norway
Austria
Poland
Portugal
Sweden
Spain
Czech Republic
Hungary
USA

⁷⁴ Revised in accordance with No I of the Ordinance of 25 Aug. 1999, in force since 1 Oct. 1999 (AS **1999** 2454).

*Annex 3*⁷⁵
(Art. 6a para. 4)

Schengen Association Agreements

The Schengen Association Agreements comprise:

- a. the Agreement of 26 October 2004⁷⁶ between the Swiss Confederation, the European Union and the European Community on the association of that State with the implementation, application and development of the Schengen Acquis (SAA);
- b. the Agreement of 26 October 2004⁷⁷ in the form of an exchange of letters between the Council of the European Union and the Swiss Confederation on the Committees that assist the European Commission in the exercise of its executive powers;
- c. the Agreement of 17 December 2004⁷⁸ between the Swiss Confederation, the Republic of Iceland and the Kingdom of Norway on the Implementation, Application and Development of the Schengen Acquis and on the Criteria and Procedure for determining the State responsible for examining an application for asylum lodged in Switzerland, Iceland or Norway;
- d. the Agreement of 28 April 2005⁷⁹ between the Swiss Confederation and the Kingdom of Denmark on the implementation, application and development of those parts of the Schengen Acquis that are based on the provisions of Title IV of the Treaty establishing the European Community;
- e. the Protocol of 28 February 2008⁸⁰ between the Swiss Confederation, the European Union, the European Community and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the Swiss Confederation, the European Union and the European Community on the association of the Swiss Confederation with the implementation, application and development of the Schengen Acquis.

⁷⁵ Inserted by Annex 4 No II 2 of the Weapons Ordinance of 2 July 2008, in force since 12 Dec. 2008 (AS **2008 5525**).

⁷⁶ SR **0.362.31**

⁷⁷ SR **0.362.1**

⁷⁸ SR **0.362.32**

⁷⁹ SR **0.362.33**

⁸⁰ SR **0.362.311**

