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

of 25 February 1998 (Status as of 1 May 2022)

The Swiss Federal Council,

based on the War Materiel 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 materiel 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 materiel

(Art. 5 WMA)

The goods listed in Annex 1 constitute war materiel.

AS 1998 808

¹ AS 514.51

² SR 510.10

³ SR 172.010

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

⁵ Amended by No I of the O 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 materiel 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¹ An initial licence to manufacture war materiel shall be withdrawn if it has not been used for five years.

² An initial licence for the trade or brokerage of war materiel shall be withdrawn if it has not been used for three years.

³ If an initial licence is withdrawn, revoked or has lapsed for any other reason, the war materiel that is still in the possession of the licence holder shall be sold or recycled under the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. 5⁹

Art. 5a¹⁰ 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 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 declara-

⁷ Repealed by No I of the O of 21 Nov. 2001, with effect from 1 March 2002 (AS 2002 312).

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

⁹ Repealed by No I of the O of 30 March 2022, with effect from 1 May 2022 (AS 2022 227).

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

tion 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 materiel 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 materiel 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. 5b¹¹ Exports to non-governmental bodies
(Art. 18 WMA)

Any person who wishes to export war materiel 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. 5c¹² Licence for the transit of civilian aircraft with war materiel on board
(Art. 17 para. 3, 22 and 22a WMA)¹³

¹ The transit of war materiel 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 22a WMA.¹⁴

Art. 6¹⁵ Licence to broker and trade
(Art. 15 and 16 or 16a and 16b WMA)

¹ Any person who manufactures war materiel in Switzerland in his own production plant may broker or trade abroad without a specific licence only if an initial licence

¹¹ Originally Art. 5a. Inserted by No I of the O of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312).

¹² Inserted by No I of the O of 19 Aug. 2015, in force since 1 Oct. 2015 (AS 2015 2943).

¹³ Amended by No I of the O of 30 March 2022, in force since 1 May 2022 (AS 2022 227).

¹⁴ Amended by No I of the O of 30 March 2022, in force since 1 May 2022 (AS 2022 227).

¹⁵ Amended by No I of the O of 21 Nov. 2001, in force since 1 March 2002 (AS 2002 312).

for the brokerage or the trade of products analogous to those manufactured in the production plant has been granted.

² No specific licence is required for the brokerage of or the trade in war materiel 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. 6a¹⁶ Exemption from import or transit licence

(Art. 17 WMA)

¹ Air passengers, including sky marshals, 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 for personal use in their baggage or in baggage that is sent in advance or forwarded provided such goods do not leave the transit area of the airport.¹⁷

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 materiel, 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.

¹⁶ Inserted by No I of the O 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).

¹⁷ Amended by No III 1 of the O of 17 Sept. 2021, in force since 1 Nov. 2021 (AS 2021 595).

Art. 9¹⁸ 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 Office for Customs and Border Security (FOCBS)¹⁹ 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.

¹⁸ Amended by No I of the O of 27 Aug. 2008, in force since 12 Dec. 2008 (AS 2008 5495).

¹⁹ The name of this administrative unit was changed on 1 Jan. 2022 in application of Art. 20 para. 2 of the Publications Ordinance of 7 Oct. 2015 (SR 170.512.1) (AS 2021 589). This change has been made throughout the text.