



21ST TSC LEGAL INFORMER



SPRING 2025

New German Law on Possession of Knives

By Joerg Moddelmog, Senior German Attorney

Germany has tightened its weapons law. The new law prohibits carrying any knives at public entertainment, festivals, sporting events, trade fairs, exhibitions, markets or similar public events. The same is true for visits to theaters, cinemas, discotheques and dance events. The length of the blade does not matter. This measure is intended to enable security authorities and event organizers to better identify and reduce potential threats. The aim is to prevent attacks with knives and acts of violent confrontations in order to ensure the safety of visitors.

The new German law also prohibits carrying knives on long-distance passenger trains as well as all train stations and bus stops and terminals. At those locations, security personnel may conduct checks to enforce the knife ban. The new law only prohibits carrying a knife so that it is "immediately available." This includes carrying a knife in a coat or trouser pocket. Transporting a knife in a locked suitcase or other locked container is not prohibited. Violations of the new law can result in a fine of up to 10,000 Euros.

Germany is not alone in its efforts to counter knife violence. In neighboring France it is a criminal offense to carry a knife at a train station; this offense can be punished with up to 1 year of imprisonment.

For U.S. Army Soldiers, Army in Europe Regulation 600-1 makes these local laws punishable under the Uniform Code of Military Justice. In addition, this regulation has always prohibited U.S. Army personnel from carrying knives with a blade longer than 3 inches in a concealed manner or displaying such knives in the presence of others in a manner likely to make reasonable persons fear for their safety. This prohibition does not include plastic flatware and also does not prohibit the carrying of such knives from the place of purchase to the place of storage. It also does not prohibit the carrying of such knives while hunting, fishing, camping or picnicking.

If you have questions about this new law, contact your local legal office.



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The 21st TSC Legal Informer is the newsletter of the 21st Theater Sustainment Command (TSC) Office of the Staff Judge Advocate.

Our mission is to provide outstanding legal support to Soldiers, Civilian Employees and Family Members assigned to or supported by the 21st TSC. Our headquarters is located in Kaiserslautern, Germany. We have branch offices in Kaiserslautern and Baumholder, Germany, Mons, Belgium, Brunsbuettel, The Netherlands and Camp Bondsteel, Kosovo.

Copies of this and previous newsletters may be found at: https://armyeitaas.sharepoint-mil.us/sites/21TSC_SJA.

Use of Logistic Support by Retirees

By Scott A. McDonald, Chief of Client Legal Services, CPT Victoria Jones, Trial Counsel, and Mr. Joerg C. Moddelmog, Senior German Attorney

While access to the military Commissary and Post Exchange (PX) is a privilege many retirees in Germany relish, the benefit comes with certain legal obligations. Retirees must comply or risk adverse administrative action, including suspension or loss of access to logistical support, bar from the installation, and criminal titling and a tax evasion prosecution on the German side.

Military retirees and their dependents without SOFA status who intend to stay in Germany for one month or longer maintain access to certain logistical support systems. This includes access to on-post Commissaries and Post Exchanges. However, purchases at these facilities are no longer tax free. To make purchases at the Commissary or Post Exchange, military retirees without SOFA status are issued an Army in Europe Form (AEF) 550-175K (also known as a "Pink Card") to record and report their purchases to the German Customs Office (Zollamt) on a monthly basis and to pay the applicable German duty fees and taxes.

Military retirees who need assistance with shopping may appoint a Veterans Administration authorized family caregiver as a Shopping Assistant if they are properly registered. Military retirees will receive a Pink Card with a remark "Erfüllungsgehilfe" or "Vicarious Agent." Although a Shopping Assistant is authorized to make purchases at on-post Commissaries and Post Exchanges, the retiree remains responsible for reporting their purchases.

The Military Police Customs Office and German Customs Office may from time to time make inquiries to validate what retirees report on their AEF 550-175K. When this occurs, the retiree may be interviewed by German authorities or asked by MP Customs to render a sworn statement confirming or denying the accuracy of their reported purchases.

The authorities will then request a Commissary Advance Retail Transaction System (CARTS) report which will provide an itemized accounting for all purchases the retiree made at the Commissary. If this report does not match the retiree's accounting on the AEF 550-175K, the retiree may be criminally titled for their civilian misconduct under Army in Europe and Africa Regulation (AER) 27-9, the regulation regulating misconduct by civilians. They may also be titled for abuse of logistical support, or unlawful possession of tax-free goods under AER 600-1, the regulation proscribing prohibited activities in Europe. In addition, they may be charged with violations of the German Fiscal Code (Abgabenordnung), which are punishable by a fine or imprisonment.

To avoid adverse consequences and loss of privileges, military retirees without SOFA status in Germany who make purchases at the Commissary or Post Exchange must ensure they accurately record and report their purchases on the AEF 550-175K. If you have questions about this issue, please contact your local legal office.



Delay in European Electronic Entry System and European Travel Information and Authorization System

The start dates for the two new systems that the European Union plans to use to regulate incoming tourists have both been delayed. The delays involve both the Electronic Entry System (EES) and the European Travel Information and Authorization System (ETIAS). The systems are currently delayed until at least April 2025 due to technical challenges among some European Union states.



As explained in earlier editions of this newsletter (for full details see the Summer 2024 newsletter), the EES will operate at airports and other areas where tourists normally must show their passports. It will replace entry stamps and operates digitally, allowing for better tracking of arrival and departure dates. EES is a digital, on-arrival registration system and will be in operation in 30 countries in Europe. It will apply to all non-EU citizens, including Americans, unless they are ordinary residents with an alien resident permit or long-term visa. U.S. military and civilian personnel and their dependents on orders should be exempt from the system, but it will apply to their family members from the U.S. who come to Europe to visit.

ETIAS (also described in the Summer 2024 newsletter) is a completely different system that will require travelers to the European Union to register online and obtain travel authorization BEFORE their arrival. The United States already has such a system, called ESTA (Electronic System for Travel Authorization). Like the EES, ETIAS should not apply to U.S. Forces personnel and their dependents stationed in Europe on orders, but will apply to family from the U.S. who come to Europe to visit.

The European Union has consistently stated that EES and ETIAS are intended to address SHORT-TERM (normally not to exceed 90 days) stays of persons who do not have an independent basis for remaining within Europe. The system in its present form does not take into consideration persons with SOFA status who remain in countries where they or their sponsors are stationed for extended periods. The European Union has advised us that military service members (active duty personnel) will be granted exemption to EES/ETIAS requirements for travel to and from their country of assignment. That partial exemption does not contemplate travel to or from other countries for the purposes of leave and liberty or travel into or out of Europe for government civilians, dependents, or DoD contractors. In view of these issues, a recommended change to the DoD Foreign Clearance Guide will require SOFA identification to be issued to incoming civilian and dependent personnel prior to their arrival reflecting their SOFA status in the country where they or their sponsors are stationed. This SOFA ID would be carried with their passports. Such a system is already in effect in Germany.

While military personnel should be exempt from both systems when they report to a duty station in Europe, the new systems may pose problems when they attempt to travel elsewhere in Europe on leave or pass. For example, a Soldier assigned to a unit in Germany who travels for a day to Strasbourg, France, will be in violation of the EES when she crosses the border with her U.S. tourist passport. EES exists only at external European borders. While the soldier was exempt upon her initial arrival in Germany, there is no way for her to register in EES prior to travel or upon crossing the border into France. If that soldier encountered law enforcement during her trip, that soldier would be subject criminal sanctions. The U.S. Department of State is currently working with the European Union on this issue.

The United Kingdom is no longer part of the EU and has already come up with a program of its own that requires travelers to obtain an Electronic Travel Authorization prior to travel. If you are going as a tourist to Britain, see <https://www.gov.uk/guidance/check-when-you-can-get-an-electronic-travel-authorization-eta>.

Funded Legal Education Program

Every year the Army Office of The Judge Advocate General in Washington, D.C. accepts applications for the Army's Funded Legal Education Program (FLEP). Under this program, the Army sends active duty personnel to law school at government expense.

The Army Funded Legal Education Program is open to commissioned officers in the rank of second lieutenant through captain with two to six years of Federal service. It is also open to enlisted Soldiers in the grade of E-5 through E-7 with four to eight years of service.

Interested personnel must complete an application and interview with a Staff Judge Advocate at their installation. Interested personnel should have taken or be scheduled to take the Law School Admission Test (LSAT) at the time of application.

The FLEP application will be available online beginning July 1 and will close on October 1. The selection board meets each November to consider applicants for the FLEP. When considering an applicant's file, the selection board members use the "whole-person" concept. Board members evaluate the undergraduate and graduate school transcripts, LSAT score, Soldier Talent Profile, Officer Evaluation Reports/ Noncommissioned Officer Evaluation Reports, Staff Judge Advocate (SJA) interview letter, and the applicant's statement of motivation to attend law school. The selection board's results are released no later than the first week in December. Selected individuals begin law school in the fall immediately following the selection board.

Interested personnel should contact their local Staff Judge Advocate for further information. The 21st Theater Sustainment Command Office of the Staff Judge Advocate is located in Building 3004 on Panzer Kaserne in Kaiserslautern. You can reach the office at DSN 523-0489 or civilian 0611-143-523-0489.



21st TSC Legal Offices

Kaiserslautern

Kleber Law Center

Kleber Kaserne, Bldg. 3210

Legal Assistance: DSN 483-8848/6782

Claims: DSN 483-8968

International Law: DSN 483-7690/8859

Trial Defense Service: DSN 483-8397

(Civilian: +49-631-411-XXXX)

Main OSJA

Panzer Kaserne, Bldg. 3004

Administrative Law: DSN 523-0470

Criminal Law: DSN 523-0488

Special Victim Team: 523-0524

(Civilian: +49-0611-143-523-XXXX)

Baumholder Law Center

Smith Barracks, Bldg. 8680

Legal Assistance: DSN 531-2445

(Civilian: +49-611-143-531-XXXX)

Northern Law Center

SHAPE (Mons, Belgium), Bldg. 318

Legal Assistance: DSN 423-4910 or 4868

(Civilian: +32-65-44-4910 or 4868)

Netherlands Law Center

USAG Benelux-Brunssum, Bldg 8

Legal Assistance: DSN 597-4182

(Civilian: +31-45-534-0182)

Kosovo Law Center

Camp Bondsteel, Bldg 1330C

Legal Assistance: DSN 781-4575

(Civilian: +383-49-774-628)



21st TSC Legal Office Training



The 21st TSC legal office gathered for legal training in Kaiserslautern on 24 October 2024. This type of training is required by the professional responsibility rules for attorneys and ensures the office provides the highest quality legal services.

KAISERSLAUTERN LEGAL SERVICES CENTER (KLSC) LEGAL ASSISTANCE OFFICE

Appointments, Hours, and Location: Appointments may be requested directly on the KLSC website by either by Googling "Kaiserslautern Legal Services Center" or following this link: <https://home.army.mil/rheinland-pfalz/usag-rheinland-pfalz/all-services/legal-services-center-kaiserslautern>. The office is located in building 3210 on Kleber Kaserne. The most up to date hours of operation and pinpoint location of the office are located on the KLSC Google maps page, also found by entering "Kaiserslautern Legal Services Center" in your maps app or on the web.

Self-Help and Informational Handouts: A vast amount of helpful information and handouts are located on the above KLSC website. These handouts cover a large array of topic areas from claims, family law, estate planning and German law issues.

