



21ST TSC LEGAL INFORMER



FALL 2025

Loss of Insurance Coverage Because of DUI

By Johanna Dunzweiler, German Attorney, Baumholder Law Center

Jane Doe, a civilian working for the Army in Germany, rents a car for a weekend trip with friends to her favorite resort. Unfortunately, she drinks a little too much before driving the vehicle and gets into a single-car accident, resulting in a total loss to the rental car. Fortunately, no one is hurt. However, she is shocked when the rental car company tells her that her insurance will not cover the damage and that she has to pay the entire value of the vehicle.

As we all know, driving under the influence of alcohol is a bad idea. The consequences range from license suspension to criminal prosecution and can even mean the end of a career. What many people don't consider are the financial consequences of drunk driving.

If you are at fault for a car accident when driving while intoxicated, your liability insurance company initially pays for the damage to the other vehicle but can seek recourse from you, the insured, and reclaim a portion of the costs. Depending on the circumstances, that amount could be up to €10,000.

If you have collision or "comprehensive" insurance, (either for your own vehicle or insurance you purchased from the rental car company to cover damage to your rented vehicle), this normally pays for vehicle damage even if you are at fault for the accident. However, it does not apply to alcohol-related accidents. The insurance company will not pay for any damage if you had a blood alcohol level of more than 1.1 promille (a German measurement equivalent to the American level of .1 grams of alcohol per 100 milliliters of blood). Even if your blood alcohol level is below this level, the insurer may still be exempt from liability if symptoms typical of alcohol-related impairment are present.

You should therefore always keep in mind that if you drive a rental car when drunk you may be liable for damage from a traffic accident, and, in the worst case, will have to pay the rental company for a new car even though you never owned the vehicle you damaged.

One last word of caution: filling up your rental car with the wrong type of gas (such as putting regular fuel in a diesel vehicle) or damaging a stick shift on your rental car because you are only familiar with automatic transmissions, can result in similar limitations to liability coverage.



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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, Brunssum, the Netherlands and Camp Bondsteel, Kosovo.

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

New Foreign Transfer Tax

By Scott McDonald, Chief of Client Services

Americans stationed or retired overseas, or those with family members they support overseas, may soon see an additional expense associated with the cost of living abroad. This is because the “One Big Beautiful Bill Act,” passed on July 4, 2025, included a provision implementing a remittance tax on certain transfers of funds from the United States to foreign accounts or to individuals in other countries.



A remittance tax is charged when you send money from the United States (to include U.S. bank accounts overseas) to a foreign country, whether it is to a foreign bank account to pay your rent, or to help a family member with tuition. In the past, such transfers were not taxed and were only subject to whatever the financial institution charged as a fee for the service. Now those transfers may be subject to tax. So, for example, if you obtain a Euro check from your account at the U.S. Community Bank on post and transfer it to your landlord to pay your rent, this transfer may be subject to the new tax.

The new tax applies to any person, whether they are a U.S. citizen, green card holder, or non-citizen. If you transfer funds from the United States to a foreign country, you may be subject to the tax.

The new tax only applies to transfers of “cash, a money order, a cashier’s check, or any other similar physical instrument” The tax does not apply to “noncash remittance transfers” which includes electronic funds transfers (such as direct transfers between accounts, bank wire transfers, or transfers through third-party companies like WISE), credit cards, and debit cards. The new tax will be assessed by the financial institution (such as your U.S. bank) where the transaction originates.

The new tax amounts to 1% of the transfer value. So, if you want to send a \$100 Western Union money order to a family member in a foreign country, there would be a \$1 remittance tax assessed by the financial institution providing the money order.

The tax goes into effect on January 1, 2026. The IRS still needs to issue regulations pertaining to this new legislation and those regulations may change the information provided above, which is based on a strict reading of the language in the bill.

With the uncertainty surrounding how this tax will be implemented and whether or not such taxes may be deductible, you should keep records of any and all taxes and fees paid on foreign transfers and consult a tax planner if you have additional questions.



Liability for Minor Children in Germany

By Joerg Modelmog, Senior German Attorney, Kaiserslautern Legal Services Center

Warm and sunny weather fosters outside activities. Many children are outside riding their bicycles and having a good time. Yet, what happens if a child is suddenly distracted or inattentive and causes an accident in traffic? It is important for parents to know the German rules so they can properly supervise their children.



Under German law, a child who has not reached the age of seven is not responsible for any damage he or she caused. Yet, the injured party may be able to successfully sue the child's parents for "lack of parental supervision." While parents do not need to follow their child at every step, they are required to reasonably supervise them to ensure their activities do not pose a danger to others. The child's capacity, experience and ability are the key elements when it comes to the parents' duties towards their children. They will have to test and assess their children for these elements to determine how best to supervise them. This is important not only for the safety of others, but more importantly for the protection of the child.

A child who has reached the age of seven but is not yet ten years old is not responsible for damage inflicted on another party in an accident involving a motor vehicle, provided it was caused by sheer negligence and was not caused intentionally. However, this rule only applies when the child is influenced by the typical stress caused by traffic which may occasionally overwhelm a child. Thus, colliding with a properly parked car will not free such a child from liability. In this age group (seven to ten), a child's mental development, capacity and ability to understand will be taken into consideration when determining responsibility for accidents with pedestrians or other bicyclists, particularly since children who have not reached the age of eight have to use the sidewalk when riding a bicycle as they are not permitted to use a bicycle path. When using the sidewalk, one parent may ride next to or behind them. If a child in this age group is not liable for an accident, the parent still may be held liable for lack of supervision (as mentioned above).



A child who has reached the age of ten but not the age of eighteen is liable for his or her intentional and negligent acts. The child may be released from liability if he or she does not yet have the necessary ability to understand, but the burden of proof for the lack of capacity lies with the child. The standard for adjudication will be similar to the one for accidents with pedestrians, mentioned above. Depending on the kind of traffic violation, any prior experience or impulsive behavior will be taken into account. For a child in this age group, lack of parental supervision is a fall back for any claimant if the child lacks liability under the above-stated rules.

Under German law, a judgment can be enforced for 30 years. If rendered against a minor, it can come to bear when that child has grown up and starts earning income of its own. To minimize such risks many Germans have private liability insurance to cover corresponding liability claims. If you have questions about your liability for your children, contact your local legal office.

Unlawful Possession of Firearms

By Pete Masterton, Joerg Modelmog, Jessica Frebutte and Jarin Nijhof

Firearms laws in Europe are much tougher than those in the United States. In a recent case, a Soldier was facing a mandatory minimum sentence of five years imprisonment for illegally importing a firearm into Europe. U.S. personnel stationed in or who travel in Europe must be very careful when possessing or transporting firearms. U.S. personnel who wish to purchase privately owned firearms while stationed in Europe or bring their privately owned firearms with them from the U.S. must comply with both host nation and U.S. Forces rules. Normally, you are NOT permitted to bring privately owned firearms with you until you obtain a permit from the host nation and have properly registered the firearms with the U.S. Forces. This CANNOT be done prior to your arrival; you can only start the process after you arrive in country.

The strict rules for privately owned firearms apply throughout the European Union (EU), pursuant to an EU directive. All EU member states are required to implement the provisions of this directive into their own national laws. The directive authorizes issuance of a European firearms pass (EFP), which makes transfer of privately owned firearms within Europe somewhat simpler. Another EU law applies to import, export and transit measures for firearms, essential components and ammunition. This provides for strict rules on importation of firearms into the EU and is directly applicable to anyone (including U.S. Forces personnel) who wish to import privately owned firearms into the EU.

GERMANY: German law requires its citizens to demonstrate that they are reliable and pass certain tests before they can possess a privately owned firearm. By agreement with the German government, U.S. Forces personnel are required to meet the same requirements.

Before you can obtain a license to own a private firearm, you must establish your “need” for the firearm. This can be done in two ways: you can obtain a German hunting license (Jagdschein) or a German sport shooters Certificate of Need (Bedürfnisnachweis). The German hunting license can be obtained by passing a U.S. Forces Rod and Gun Club or Outdoor Recreation sponsored German hunting course. The Certificate of Need for sport shooters is obtained through membership in a German sport shooting club or a U.S. Forces sport shooting club (if available), active participation in shooting events for a period of one year or more (with a minimum of 18 visits to the range), maintenance of a shooting log book and obtaining insurance protection.



Once you have obtained a German hunting license or sport shooters Certificate of Need you may be issued a German Weapons Possession Card (Waffenbesitzkarte) listing your specific privately owned firearms. If the Weapons Possession Card is issued based on a German hunting license, you will only be authorized ownership of rifles and shotguns and up to two pistols. If the card is issued based on a sport shooters Certificate of Need you will only be authorized to own weapons you use for sport shooting.

In addition to obtaining permission from the Germans, you will need to obtain permission from the U.S. Forces to possess a privately owned firearm. You have to complete an FBI background check and then apply to the U.S. Forces for permission to purchase or bring a privately owned firearm into Germany. The details are spelled out in Army in Europe Regulation 190-6.

Germany has a general prohibition on carrying firearms in public. You are only authorized to carry firearms to and from authorized activities such as hunting or sport shooting. The maximum punishment for illegal possession of firearms is imprisonment for five years and/or a fine of €10,000.

Unlawful Possession of Firearms (continued)

BELGIUM: In Belgium, you may not possess a privately owned firearm unless you obtain a license or a firearms permit issued by the appropriate Belgian authorities. There are three ways to do this:

(1) Private individuals who wish to buy a firearm must first apply for a possession permit from the Belgian governor responsible for their place of residence. You must have this authorization before purchasing the weapon. The application must include a number of compulsory details, such as name, address, a description of the firearm and the reasons for the request. You must also present a medical certificate from a doctor confirming that you are fit to handle a firearm without danger to yourself or others and must pass both a theoretical and practical firearms test. The local Belgian police will then issue a non-binding opinion to the governor within three months, in which they discuss your personality, criminal record, mental state and possible violent political activities. The governor then decides on the application within four months, although this period may be extended.

(2) Hunters need a hunting license with a valid hunting sticker. This allows you to possess long-barreled guns authorized in areas where the hunting license is valid. To obtain a hunting license, you need to apply to the appropriate regional Belgian department. Equivalent documents from another European Union member state may also give you the right to hunt. Before the competent Belgian region issues you with a hunting license, it will check your criminal record, your knowledge of weapons legislation and your practical and medical aptitude to handle a firearm safely. As a holder of a hunting license, you do not need to apply to the Belgian governor where you reside for authorization to possess weapons, since the hunting license is equivalent to an authorization to possess or acquire these weapons. However, you must register your weapons with the Belgian central weapons registry. Hunters are only allowed to hunt with long-barreled firearms authorized where the hunting license is valid.

(3) Sports shooters also do not need authorization from the local Belgian governor, but will need a license to own firearms and ammunition designed for sport shooting. To obtain a sports shooter's license, you must apply to the relevant Belgian sports shooting federation. Shooting federations issue a sports shooter's license after checking your criminal record, your knowledge of weapons legislation and your practical and medical aptitude to handle a firearm safely. You must register your sport firearms with the central Belgian firearms registry. Holders of a sport shooter's license may only shoot with firearms and ammunition designed for sport shooting.

To import a privately owned firearm into Belgium, you must

(1) apply for an import license from the relevant Belgian region, (2) present the firearm to the Belgian “Banc d'épreuves des armes à feu” (Firearms Proof House) as soon as it is imported, so that office can check that the required import formalities have been complied with, and assign the firearm a serial number, and (3) present the firearm to the local Belgian police in your place of residence within fifteen days of importation. The police will certify the import.

Violators of the above laws can be punished by imprisonment for five years and/or a fine of €25,000. The same penalties apply to those who knowingly make inaccurate declarations with a view to obtaining the approvals, authorizations or permits covered by this law, as well as to those who make use of such declarations.



Unlawful Possession of Firearms (continued)

NETHERLANDS: Dutch law provides for strict licensing requirements of firearms. To possess, use, or transport a privately owned firearm within the Netherlands, you need a Dutch weapons license (wapenverlof). You can request a firearm license from the local Dutch police commander. American or other foreign weapon permits or licenses are NOT valid in the Netherlands. The only exception to this rule is the European firearms pass mentioned above.

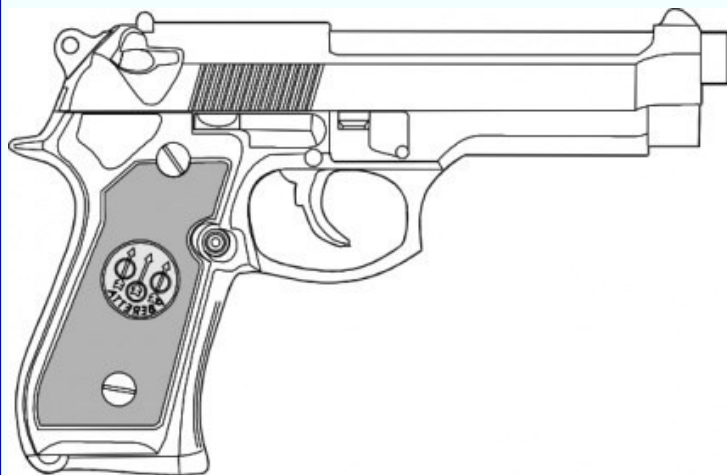
To import a privately owned firearm you need an import license ('consent') which you must apply for PRIOR to importing the weapon into the Netherlands. The approval or consent is issued by the Dutch Customs' Central Import and Export Office (Centrale Dienst voor In- en Uitvoer, CDIU).

To export the weapon again, you must request an export license from the same office. The only exception to this rule is if you transport the firearm from another EU country and have obtained a European firearms pass prior to traveling. The obligation to obtain a 'consent' issued by Dutch Customs authorities is also mandatory if you transit through the Netherlands while flying to another destination.

The maximum penalty for illegal possession of a firearm in the Netherlands is four years imprisonment or a fine of €90,000.

You will also need to register your privately owned firearm properly in accordance with the rules established by the U.S. military in the Netherlands. The details are described in Army in Europe and Africa Regulation 550-35.

GOVERNMENT FIREARMS: The rules are different for government owned firearms. The NATO Status of Forces Agreement (SOFA) allows U.S. Forces uniformed personnel to possess and carry their assigned military weapons, but only when "authorized to do so by their orders." Special NATO orders are generally required to transport U.S. government firearms in Europe.



In Germany, a supplementary agreement to the NATO SOFA allows U.S. civilian employees to possess and carry military weapons if they are responsible for the safeguarding cash or property or are particularly endangered by the special nature of their official position. Such personnel require a special firearms certificate. Failure to have the appropriate orders or certificate can lead to problems if you are stopped by host nation police.

Possession and transport of U.S. government firearms must also comply with applicable U.S. military rules. Army Regulation 190-11 provides guidance for Army personnel. Among other things, government firearms must be properly secured at all times, stored in a properly certified arms room and properly transported in government vehicles.

If you have questions about your ability to possess or transport firearms, contact your local legal office.



Implementation of Electronic Entry/Exit System in Europe

As reported in the Spring edition of this newsletter, the European Union (EU) has big changes planned at its external borders, with the implementation of two new systems: the Electronic Entry/Exit System (EES) and the European Travel Information and Authorization System (ETIAS).

EES is an enhanced passport check requiring biometrics including fingerprints and a facial scan. ETIAS is a travel authorization which must be applied for online - and paid for - ahead of travel. The ETIAS is part of the new IT architecture of the EU that aims to strengthen security while facilitating travelling of non-EU nationals.

Both schemes apply only to people who are travelling on the passport of a person who is not a citizen of an EU or Schengen zone country. (The Schengen zone is the area of Europe where border passport controls are no longer routinely conducted; some Schengen zone countries are not in the EU and some EU countries are not in the Schengen zone.) U.S. uniformed military personnel, civilian employees and their dependents reporting for official NATO duty in Europe should not have to register in EES or ETIAS if they have all appropriate documentation (including orders and ID card for uniformed military personnel or orders and official passport for civilians). Parents and other family members visiting such personnel will be required to register in both systems.

Initially envisioned for implementation in 2018, EES and ETIAS have been the subject of numerous delays. The EES is now set to begin its phased roll out in starting on October 12, 2025. On that date countries in the Schengen Area will start introducing the EES gradually over the course of six months. During this time, border authorities will progressively register the data of most third country nationals crossing the borders.

At the end of this period, the EES will be fully deployed at all border crossing points. ETIAS is currently scheduled to be implemented during the last quarter of 2026, although the plan is to wait until EES is working smoothly before ETIAS is introduced.

The latest travel requirements for military personnel can be obtained on the Electronic Foreign Clearance Guide at <https://apacs.milcloud.mil/apacs/login.jsp>.



21st TSC Legal Offices

**Kaiserslautern
Kleber Law Center
Kleber Kaserne, Bldg. 3210**
Legal Assistance: DSN 523-4330
Claims: DSN 523-4330
International Law: DSN 523-4333/4317
Trial Defense Service: DSN 523-4329/0229
(Civilian: +49-611-143-523-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)



Legal Outreach



Mr. Blug (left) and Mr. Modellmog from the Kaiserslautern Legal Services Center, provided legal advice at a Landstuhl Regional Medical Center Retiree Survivor's Workshop on 30 April. Mr. Modellmog (right), Mr. Blug, Mr. McDonald, CPT Pelcher and CPT Gonzalez from the KLSC hosted an Estate Planning Workshop for retirees at the Clocktower Café on Kleber Kaserne on 26 June. These events are part of this command's legal outreach to our retiree community.



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.

