



# 21ST TSC LEGAL INFORMER

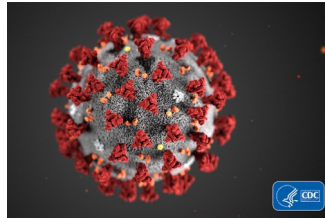


SUMMER 2020

## Coronavirus and German Law

By Pete Masterton

Many aspects of our lives have been different over the past few months as a result of the coronavirus pandemic. Many of our clients have asked about the effect of host nation law, both on and off our installations. The NATO Status of Forces Agreement (SOFA) requires us to respect host nation law. The United States has entered into international agreements with many countries, including Germany, that supplement the NATO SOFA. The German supplement requires us to comply with the letter of all laws dealing with contagious diseases, such as the coronavirus, both on and off post. This means that all of us are required to know and comply with the German laws passed in response to the coronavirus pandemic. A copy of the German laws applicable to the pandemic in our area is available on the SJA portion of the 21st TSC SharePoint portal at <https://intranet.eur.army.mil/21tsc/sja/SitePages/Home.aspx>. You can find the laws by looking for files beginning with "COVID-Baden Wuerttemberg" and "COVID-Rheinland Pfalz."



Among other things, German laws passed in response to the coronavirus pandemic set limits on public gatherings, imposed social distancing rules and required recording of contact information at restaurants and other establishments. In addition, they have required facial masks to be worn when standing in line, entering shops, and on public transportation. The laws also require Family Members and certain other persons arriving in Germany from a non-EU country to stay in quarantine for 14 days. Since the laws change on a regular basis, it is best to check the most current law on the SharePoint portal.

To make it simpler for American personnel to follow host nation laws, many commands, including the 21st TSC, have adopted "General Orders" that contain specific guidance on the coronavirus. Much of this guidance mirrors host nation laws, although in some cases our military rules are more stringent than host nation laws. Soldiers who violate these General Orders can be punished under the Uniform Code of Military Justice. Civilian employees who violate the rules can be subject to administrative disciplinary action. The most recent 21st TSC General Order is also available on the 21st TSC SharePoint portal. Of course, the host nation can also prosecute any violations of their laws.

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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 Baumholder and Stuttgart, Germany, Mons, Belgium, Schinnen, the Netherlands and Camp Bondsteel, Kosovo.

Copies of this and previous newsletters may be found at: <https://intranet.eur.army.mil/21tsc/sja/SitePages/Home.aspx>

## New Stricter German Speeding Rules

By Holger Blug

Germany recently raised the fines for “minor” speeding offenses. The fines for driving up to 20 kilometers per hour over the posted speed limit became significantly higher as of 28 April 2020. In addition, there is another change that will probably hit much harder: Germany lowered the requirements for an automatic suspension of one’s driver’s license. Drivers who exceed the speed limit by 21 kilometers per hour in town or 26 kilometers per hour out of town will automatically lose their driver’s licenses for one month. This is a penalty everyone should keep in mind, as it is very inconvenient to be without a driver’s license and unable to drive.

The table below shows the new fines, suspensions and points for speeding. However, the points listed below are only the points in the German system. You should be aware that in addition, USAREUR has its own point system and vehicle registry will add points on the USAREUR license for each German offense in accordance with Army in Europe Regulation 190-1. These points have NOT changed.

There is another important point you should know about the amount of the fines. For intentional speeding, the fines will usually be doubled. Several German courts assume that speeding is intentional if the offender was driving more than 40% over the posted limit. This makes many speeding tickets more expensive.

Besides the new fines for speeding, there are some other significant changes, such as higher fines for a violation of the emergency lane rule on the Autobahn, for double-parking and for parking on the sidewalk or in a bike lane. They have also established an exact distance for passing a cyclist, a pedestrian or an e-scooter, which is 1.50 meters in town and 2.00 meters out of town. In addition, using the so-called speed-monitoring applications on cell phones is now strictly prohibited. In the past, it was prohibited to operate a device meant to detect or disrupt traffic surveillance, or to carry such a device ready for operation, but cell-phones that were not specifically designed to do so but could be used for this purpose in conjunction with an application fell into a “grey area” of the law. The new law clearly states that using these applications is prohibited.

Amount Exceeded Speed Limit	Fine/Points (In Town)	License suspension (In Town)	Fine/Points (Outside Town)	License Suspension (Outside Town)
up to 10 km/h	30 € (previously 15 €)	-	20 € (previously 10 €)	-
11-15 km/h	50 € (previously 25 €)	-	40 € (previously 20 €)	-
16-20 km/h	70 € (previously 35 €)	-	60 € (previously 30 €)	-
21-25 km/h	80 €/ 1 point	1 month	70 €/ 1 point	-
26-30 km/h	100 €/ 1 point	1 month	80 €/ 1 point	1 month
31-40 km/h	160 €/ 2 points	1 month	120 €/ 1 point	1 month
41-50 km/h	200 €/ 2 points	1 month	160 €/ 2 points	1 month
51-60 km/h	280 €/ 2 points	2 months	240 €/ 2 points	1 month
61-70 km/h	480 €/ 2 points	3 months	440 €/ 2 points	2 month
above 70 km/h	680 €/ 2 points	3 months	600 €/ 2 points	3 months

## Tax Deadline Extended

By Mark Christensen

Although we are past the traditional tax filing deadline of April 15, this year the COVID-19 pandemic resulted in changes to IRS tax deadlines. The return filing and payment deadline for Tax Year 2019 is July 15, 2020. Taxpayers can file a timely tax return by postmarking the return by July 15, and they can avoid late payment penalties by paying all taxes due by July 15.



Taxpayers who need additional time to file a return may submit IRS Form 4868 to extend the filing deadline to October 15. Form 4868 is available at the IRS website, [www.irs.gov](http://www.irs.gov), and this form can be submitted electronically through the website. An extension to file past July 15 does not extend the deadline to pay taxes. Tax payments made for Tax Year 2019 after July 15 may be assessed late payment penalty and interest.

Many states also extended filing and/or payment deadlines. For individual advice on your situation, contact your local legal assistance office.

## Report of Foreign Bank Accounts Deadline Extended

By Mark Christensen

U.S. persons who own or have signature authority over non-U.S. financial accounts with a combined and converted value of more than \$10,000.00 on any day during 2019 must also file the Report of Foreign Bank and Financial Accounts (often called the FBAR). The FBAR (FinCEN Form 114) filing due date for 2019 was April 15, 2020, with an automatic extension to October 15, 2020 for filers who failed to meet the due date (no extension request necessary for the six month extension).

The FBAR is an electronic preparation/filing form available at the website <https://bsaefiling.fincen.treas.gov/NoRegFBARFiler.html>. The FBAR is a disclosure form and there is no cost to file. There are substantial penalties for failing to file the FBAR each year. Non-U.S. financial accounts do not include accounts at U.S. banking institutions or overseas U.S. military installations, including credit union accounts.





## Electric Dog Collars Prohibited in Germany

By Joerg Modellmog

Many Americans are familiar with electric dog collars; they are designed to provide a gentle electric shock to assist in training dogs. However, many Americans may not realize that using such electric collars is prohibited in Germany. The prohibition is limited to the actual use of the collars: you may possess, advertise or even buy and sell electric dog collars, but cannot use them in Germany.

The German Animal Protection Act prohibits the use of “a device which, by direct action of electricity, significantly restricts the appropriate behavior of an animal, in particular its movement, or forces it to move, thereby causing the animal not insignificant pain, suffering or damage.”

While some have argued electric dog collars are designed only to provide an unpleasant distraction that will not hurt your dog, German courts interpreted the aforementioned provision to be



a general prohibition on the use of electric dog collars.

All American personnel stationed in Germany are required to obey this German prohibition; we have no immunity simply because there are no comparable laws in the United States. Any violation of this rule will result in at least a fine. The worse-case scenario is that your fitness as a dog owner could be called into question and your dog could taken from you. If you have specific questions relating to this issue, contact your local legal office.

## 21st TSC Legal Offices

### Kaiserslautern

#### Kleber Kaserne, Bldg. 3210

Legal Assistance: DSN 483-8848/6782

Tax Assistance: DSN 483-8848

Claims: DSN 483-8968

International Law: DSN 483-8854/8859

Trial Defense Service: DSN 483-8397

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

#### Panzer Kaserne, Bldg. 3004

Administrative Law: DSN 523-0470

Criminal Law: DSN 523-0488

Special Victim Team: 523-0526

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

### Baumholder Law Center

#### Smith Barracks, Bldg. 8680

Legal Assistance: DSN 531-2445

Trial Defense Service: DSN 531-2463

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

### Stuttgart Law Center

#### Kelley Barracks, Bldg. 3312

Legal Assistance: DSN 421-4152

(Civilian: +49-711-729-4152)

### 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)



## Members of Legal Team Honored



### OSJA Employees Honored

Four civilians from the 21st TSC Office of the Staff Judge Advocate were honored at a recognition ceremony on 6 March. Pictured above from left to right are MG Christopher Mohan (ceremony host), Peter Masterton (received 35 year pin), Karin Jordan (received 40 year pin), Anna-Marie Pfeffer (received 5 year pin), Mark Christensen (received award as civilian of the year) and COL John McCabe (Staff Judge Advocate)

### KAISERSLAUTERN LEGAL ASSISTANCE OFFICE

**Directions to Kleber Kaserne:** From Vogelweh, Ramstein, or Landstuhl take the Autobahn A6 in the direction of Mannheim. On your right you will see a large store called Möbel Martin. Make sure you are in the right lane as you take the Kaiserslautern Ost Ausfahrt (exit). Turn right as you leave the exit ramp and drive downhill until you reach a stop light. Proceed straight ahead at the intersection and follow the priority road as it curves to the right behind the Real store. Enter Kleber Kaserne by the east gate. Turn right after passing the clinic. Drive north until you reach an intersection with 4 stop signs. Bldg. 3210 sits to the left of that intersection. Parking on Kleber Kaserne is difficult—allow a few extra minutes to circulate until you find an open spot. Enter Bldg. 3210 from the door on the east end of the building.

