DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT AGENCY
EUROPEAN REGION
UNIT 29353, BOX 200
APO AE 09014

JUN 2 3 2003

SFIM-EU-MWR

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Guest Control at Morale, Welfare, and Recreation (MWR) Facilities

1. Installation Management Agency, Europe Region (IMA-Europe) policy regarding guest control at MWR facilities in Germany is enclosed. It is effective immediately upon receipt.

2. The policies and procedures described require management actions to comply with the provisions of the Supplementary Agreement (SA), NATO SOFA and Federal Ministry of Finance (FMOF) directives governing patronage of non-ID card "bona fide" guests at MWR facilities and clubs. German government officials have expressed concerns with recent violations and want confirmation that the US Forces will take positive steps to comply with the SA and FMOF directives. In a meeting on 20 May 03, FMOF representatives were given assurance that the IMA-Europe chain of command will fully cooperate with German officials to ensure compliance.

3. ASG and BSB Commanders and Directors of Community Activities (DCAs) are responsible for strict enforcement. They will be held personally accountable to ensure steps are taken to fully comply with the spirit and intent of the enclosed policies and procedures. Compliance with Host Nation directives and guest policies applicable to MWR facilities and activities in Italy, Belgium and The Netherlands are the responsibility of the ASG Commanders and DCAs of those installations.

4. Military personnel who violate IMA-Europe policy are subject to adverse administrative action. Civilian employees and family members who violate this policy are also subject to adverse administrative action under the provisions of Army Europe Regulation 27-9 (Misconduct by Civilians) and adverse action under the appropriated and nonappropriated fund disciplinary systems. In addition to the possibility of administrative sanctions, violations of host nation tax laws by civilians or military members can carry civil and criminal penalties.

5. Offices of the Judge Advocate General, Provost Marshal (EUCOM Customs Executive Agency) and IMA-Europe staff stand ready at all times to work with you and your staff to ensure compliance.

6. Guest control at MWR facilities requires your direct attention and support to ensure compliance with policy guidance and to preclude any contemplated closures resulting from non-compliance. Such closures are inconsistent with my priorities for supporting our soldiers and their families and will require my personal approval.

7. The IMA-Europe point of contact is Mr. John Allred, MWR Staff Officer, DSN: 379-6504 or Commercial: 06202-806504.

Encl

RUSSELL B. HALL
Director, Installation Management
Agency, European Region

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CF:
USAREUR DCG, XO
G1
IG
IRACO
Judge Advocate
Provost Marshal (EUCOM Customs Executive Agent)

GUEST CONTROL AT MWR FACILITIES
POLICY AND PROCEDURES

GENERAL. The operation of Morale, Welfare, and Recreation (MWR) activities is subject to regulatory guidance, Host Nation directives and International Agreements at OCONUS installations. Specific Host Nation constraints, which differ from country to country throughout USEUCOM, apply to permitting non-members of the US Forces to patronize MWR facilities or to acquire and consume customs- and tax-free items/food and beverages. The following Installation Management Agency, Europe (IMA-Europe) policy and procedures provide appropriate management guidelines to control access to and sale of customs- and tax-free items to non-members of the US Forces in Germany. Guest control policies and procedures required by co-user agreements apply to golf and rod-and-gun clubs in Germany.

CUSTOMS- AND TAX-FREE FOOD/BEVERAGES. Food and beverage items sold at US Forces MWR facilities in Germany are exempt from duties and taxes under the Supplementary Agreement (SA) to the NATO Status of Forces Agreement (SOFA). Also, US Forces facilities in Germany are not subject to taxes when conducting official activities. The German Federal Ministry of Finance (FMOF) allows US Forces personnel, members of the civilian component and their family members (collectively referred to as "authorized members") to entertain "bona fide guests" (see paragraph 4) at MWR facilities in Germany. Bona fide guests may acquire food and beverages with or without payment for consumption on the premises (e.g., payment made by the authorized member or payment made by the bona fide guest).

BONA FIDE GUESTS. A bona fide guest is a person without status under the NATO SOFA or SA who is invited by an authorized member to patronize an MWR facility or participate in a MWR hosted or sponsored activity or event. Bona fide guests are individuals who the sponsoring member of the US Forces knows and with whom the member has an existing relationship. Individuals not known to a member of the US Forces (e.g., casual pick-ups, individuals loitering in parking lots or near an MWR facility or someone randomly soliciting sponsorship from an authorized member of the US Forces) <u>are not considered bona fide guests and will be denied access.</u>

GUEST CONTROL AT MWR FACILITIES

CONTROLLED ACCESS TO MWR FACILITIES (OR ACTIVITIES). MWR Managers are responsible to control access to MWR facilities or participation in MWR hosted or sponsored activities to prevent unauthorized patronage and violations of Host Nation directives or International Agreements. The following procedures will be followed to ensure authorized access (or participation):

1. SIGN-IN CONTROLS. Each MWR facility manager (and/or special activity coordinator) will establish and maintain a guest sign-in log as appropriate to identify guests or participants. Each bona fide guest must be signed in upon arrival and persons signing in guests will be responsible for their guests until the guests leave the premises unless another authorized member assumes responsibility for them by signing the log. To maintain the integrity of the log, neither authorized patrons nor MWR employees may leave blank lines in the log.
At a minimum, the log will include the following information:

a. Name of authorized member sponsoring guest (printed and signed), unit and unit telephone number.

b. Name of guest (printed and signed).

c. Guest relationship to authorized member (e.g., friend, business associate, brother, father-in-law).

d. Date and time the guest entered the facility.

2. COMPLIANCE. This log will be kept on file for six months and will be made available to Military or Host Nation customs authorities; law-enforcement officials; USAREUR and IMA-Europe officials (having oversight responsibility); or individuals specifically delegated by ASG commanders to enforce this policy. Delegation of authority does not relieve the ASG commander of responsibility or accountability for compliance. Oversight responsibility is also inherent in the duties of base support battalion commanders, executive officers, and directors of community activities. ASG and BSB commanders will ensure performance standards for MWR managers to include enforcement of the guest-control policy.