**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**AUSTRIA**

# Weapons Act

* 1. *Which knives are considered weapons under your local law?*

The laws pertaining to weapons and knives in Austria are amongst the most liberal in the European Union.

The Austrian Weapons Act defines weapons as objects that by their very nature are intended to reduce or eliminate the defensive ability of a person through direct impact. The decisive factor for the qualification as a weapon is the objective purpose of the object and not its subjective use.[[1]](#footnote-2) Thus stabbing and thrusting weapons (Hieb- und Stichwaffen) such as swords and daggers are to be considered as weapons in accordance with the Austrian Weapons Act.[[2]](#footnote-3)

However, ordinary knives with a blunt back, such as pocket knives, bread knives or hunting knives, are not considered as weapons under the Austrian Weapons Act. Similarly, scissors contained in a pocket tool do not fall within the scope of the Weapons Act.[[3]](#footnote-4)

Only if such ordinary knife also has a special device for springing the blade/sliding blade (such as switchblade and drop-blade) is the knife to be considered a weapon in the technical sense of the Austrian Weapons Act. Thus, for example automatic opening lock-blade knives (switchblades), OTF automatic knives, balisongs and gravity knives are subject to the Austrian Weapons Act.[[4]](#footnote-5)

Please note that Austrian law provides different definitions of what is considered as a weapon. The above only describes the definition of a weapon under the Austrian Weapons Act. However, this definition is not linked to other Austrian laws such as the Austrian Criminal Code (Strafgesetzbuch), the Austrian Security Police Act (Sicherheitspolizeigesetz) and the Austrian Court Organisation Act (Gerichtsorganisationsgesetz). These laws contain a broader definition of weapons.

* 1. *Is there a legal requirement to have a legitimate/justifiable reason for carrying and/or transporting a knife in the public? If so, for what kind of knives (lock knife, folding knife [depending on a special blade length or not?], fixed knife or any knife)?*

As already mentioned under question 1.1 ordinary knives which are objects of common use are not subject to the Austrian Weapons Act. These knives may be carried or transported in public without any restrictions. This also applies to lock knives, folding knives and fixed knives provided that they are objects of common use.

Knives which are considered as weapons and therefore subject to the Austrian Weapons Act (see question 1.1) are implicitly permitted for use under the Austrian Weapons Act. Such knives may be bought, possessed and carried without having to give a reason therefor by anyone over the age of 18 who has not been explicitly banned from owning any weapon (Waffenverbot) by the authorities.

However, it is illegal to buy, import, possess or carry weapons that are disguised as another object or as an object of common use (e.g. sword canes, knives disguised as ink pens, brush handles or belt buckles).[[5]](#footnote-6)

Further, the Austrian Weapons Act bans asylum seekers, third-country nationals living in the country illegally and certain other third-country nationals from the acquisition, possession and carrying of weapons.[[6]](#footnote-7)

Please see the restrictions under question 1.4 for certain public places and buildings.

* 1. *How must these concerned knives of point 1.2 be carried or transported in the public (e.g. in a closed or locked container)?*

There are no specific regulations or restrictions on how to carry or transport knives in public under the Austrian Weapons Act.

* 1. *Are there any public places which may be restricted by an authority (on certain days or at certain times) for carrying any knives or other dangerous tools (e.g. railway station, airport, market places, football stadium, event halls etc.)?*

Regulations restricting knives in public places are scattered throughout various laws. Please note that each of these laws has its own definition of “weapon”. Thus, the definition may differ from the definition of a weapon under the Austrian Weapons Act (see question 1.1).

1. Weapon ban areas

The Austrian Security Police Act (Sicherheitspolizeigesetz) provides that security authorities (Sicherheitsbehörden) may introduce weapon ban areas on social hot spots in Austria. These weapon ban areas are to be enacted by directive (Verordnung) for a limited time of maximum three months.[[7]](#footnote-8) Please note that weapon ban areas may also be imposed for demonstrations and public events.[[8]](#footnote-9)

Weapon bans are not limited to weapons in accordance with the Austrian Weapons Act, but also cover “weapon similar objects” (“waffengleiche” Gegenstände). These are objects that occur in everyday life and in every household, but are misappropriated for criminal offenses. Thus items used in certain sports, such as baseball bats, could fall under the weapon ban or household items such as kitchen knives. For example a baseball player carrying a baseball bat on his way to training would not fall under this Section 36b Security Police Act, but a hooligan carrying a baseball bat would.[[9]](#footnote-10) Since the definition is very broad, depending on the circumstances, all form of knives - also scissors contained in a pocket tool - could be considered as weapons in a weapon ban area.

However, the ban does not apply to individuals carrying weapons for professional reasons or on the basis of a weapons permit.[[10]](#footnote-11)

Violations under the Security Police Act may lead to a penalty of up to EUR 1,000. Further, authorities are entitled to search individuals, objects and vehicles in these areas for weapons. Currently there are weapon ban areas in Innsbruck (Tyrol) in force.

Currently there are following weapon ban areas in place in Austria:

* Vienna
  + Praterstern, 1020 Vienna (valid until February 24, 2025)
  + Innerfavoriten, 1100 Vienna (valid until January 2, 2025)
* Tirol
  + Bögen, 6020 Innsbruck (valid until November 30, 2024)
  + Südtiroler Platz, 6020 Innsbruck (valid until November 30, 2024)

In the past, there have been other areas with weapon bans, such as in Vienna (Donaukanal) and Linz (Altstadt and Hinsenkampplatz).

On March 12, 2024, Interior Minister Gerhard Karner called for a nationwide ban on weapons in public spaces. According to the minister the proposed ban would include certain types of knives, such as one-handed knives or those with a specific blade length. Exceptions would be made for traditional Austrian activities like hunting, professional use, and for transporting knives after purchase. The carrying of Swiss army knives would not be criminalized, nor would the possession of pepper sprays for self-defense according to the minister. However, according to newspaper reports referencing a draft of the Austrian Knife Carry Prohibition Act (*Messertrage-Verbotsgesetz*), whether the carrying of knives in public places is allowed will depend on how they are stored. It will no longer be permitted to carry knives within easy reach, such as in trouser pockets. However, it will still be allowed to carry a knife if it is stored in a container, such as a bag or backpack. The length of the blade will not be a determining factor. An exception to the ban is also expected for the carrying of pocket knives that can only be opened with two hands, such as Swiss army knives. The draft is still under discussion within the government, and no legislative proposal has been introduced yet. Whether such a law will be enacted, and to what extent, will depend on the outcome of the new Austrian government, which was elected in September 2024. The government is still in the process of being formed.

Besides that Vienna's mayor, Michael Häupl, has called for a ban on weapons in the Vienna. However, no concrete proposals for implementing this ban has been presented so far.

1. Austrian Federal Ministry of the Interior and court buildings

Further the Austrian Security Police Act (Sicherheitspolizeigesetz) also provides a ban for weapons in the Austrian Federal Ministry of the Interior (Innenministerium) and its subordinated departments[[11]](#footnote-12) and the Court Organisation Act (Gerichtsorganisationsgesetz) provides a ban for weapons in court buildings.[[12]](#footnote-13) These buildings are not allowed to be entered with a weapon. Please note that the definition of a weapon under these laws goes beyond the definition in the Austrian Weapons Act. The definition includes also objects, which are not weapons in a technical sense, but may pose a threat to life and limb of an individual.[[13]](#footnote-14) According to a verdict of the Federal Administrative Court (Bundesverwaltungsgericht) these are for example a sharp kitchen knife, a pocket knife with a longer blade, larger, pointed scissors, a chipped bottom of a glass with a sharp sharp-toothed edge, a file with a sharpened tip and similar items.[[14]](#footnote-15) Depending on the circumstances, knives, including scissors contained in a pocket tool, may therefore also fall under the described bans.

1. School buildings

The Austrian School Regulation (Schulordnung) prohibits objects that endanger safety or disrupt school operations.[[15]](#footnote-16) This definition is very broad and, depending on the circumstances, may also include all sort of knives, including scissors contained in a pocket tool.

1. Other public places

Other public places such as public buildings, railway stations, airports, market places, football stadiums and event halls often prohibit the carrying of knives by their house rules. For further restrictions on airports please see part 2 of this questionnaire.

Please note that it is not allowed to bring weapons to assemblies (Versammlungen) pursuant to Section 2 of the Austrian Assembly Act (Versammlungsgesetz), which are generally accessible assemblies that need to be notified.[[16]](#footnote-17) The definition of weapon also applies to objects that occur in everyday life and in every household, but are misappropriated for criminal offenses.[[17]](#footnote-18) Thus, depending on the circumstances, knives, including scissors contained in a pocket tool, are in general included. Further, many events prohibit entrance of persons carrying knives, including scissors contained in a pocket tool.[[18]](#footnote-19)

* 1. *How is the blade length measured (only the cutting blade or including the blade shank)?*



The Austrian laws cited (Austrian Weapons Act, Austrian Security Police Act and Austrian Court Organisation Act) do not tie their definition of weapons on the size of knife or the length of the blade. Therefore there is no “official” manner to measure the blade length.

For classification of knives as forbidden items in the security restricted areas at Austrian airports and the measurement method please see question 2.3.

* 1. *Are there any further dangerous objects which also fall under the Weapons Act?*

Please see the definition under question 1.1. The definition of a weapon under the Austrian Weapons Act includes all firearms (except for certain weapons used for hunting or shooting sport) and all other weapons, notably cutting weapons (Hiebwaffen), stabbing weapons (Stichwaffen) and thrust weapons (Stoßwaffen). Other weapons are for example sabers, rapiers, daggers, stilettos, switchblades and folding knives, rubber truncheons, shlag rings, dead clubs and baton rods.[[19]](#footnote-20) Further, pepper sprays are considered as weapons under the Austrian Weapons Act.[[20]](#footnote-21)

* 1. *Are there any exceptions?*

The Austrian Weapons Act contains several exceptions. These exceptions concern among others the acquisition of weapons for individuals under the age of 18 under certain circumstances, firearms and hunting and shooting sport. Further there are exceptions for certain weapons (e.g., firearms produced before 1871), certain purposes (theatre, film production) and certain persons (police, prosecutor).[[21]](#footnote-22)

* 1. *What are the consequences for a legal offense?*

Possession of knives which are considered as weapons under the Austrian Weapons Act by a person who is prohibited from possessing weapons is a criminal offense and may be punished by imprisonment for up to one year or with a fine of up to 360 daily rates.[[22]](#footnote-23) The Austrian Weapons Act also considers among others the unauthorized possession of weapons and possession of forbidden weapons as a crime under this cited section.[[23]](#footnote-24)

Furthermore, the Austrian Weapons Act provides several administrative penalties for among others the unauthorized possession, import or the carrying of certain kinds of weapons. These administrative offences may lead to a fine of up to EUR 3,600 or an imprisonment of up to 6 weeks.[[24]](#footnote-25)

The weapons used for offences may also be seized and pass to the property of the Austrian state.[[25]](#footnote-26)

* 1. *Are there any legislative developments? If so what do they concern?*

In light of the recent terrorist attack in Vienna in November 2020, the Austrian Government has committed itself to a series of measures to prevent and combat terrorism. In the course of this initiative, an unlimited weapons ban (unbefristetes Waffenverbot) is planned for individuals convicted of one or more terrorist offenses as defined in the Austrian Crimiunal Code (Strafgesetzbuch).

# Airports

* 1. *According to the Official Journal of the European Union laying down detailed measures for the implementation of the common basic standards in aviation security, any pointed or sharp objects which may cause serious injury, including a knife with a blade more than 6 cm are not allowed to be taken into the security restricted areas or on board of an aircraft.* 
     1. *Are there any further national regulations to be considered in this respect?*

The Austrian Aviation Safety Act (Luftfahrtsicherheitsgesetz), the Austrian Aviation Act (Luftfahrtgesetz), the Austrian Criminal Code (Strafgesetzbuch), the Austrian Security Police Act (Sicherheitspolizeigesetz) and the Austrian Weapons Act need to be taken into account.

Pursuant to the Austrian Aviation Safety Act (Luftfahrtsicherheitsgesetz) the Austrian Federal Minister of Interior (Innenminister) may designate other articles as forbidden items by directive (Verordnung). [[26]](#footnote-27) Please see questions 2.3 and 2.4.

* + 1. *If your country is outside the EU, what are the corresponding local regulations?*

N/A

* 1. *May the airports/airlines in your country issue any further (stricter) regulations for forbidden items?*

No; pursuant to the Austrian Aviation Safety Act (Luftfahrtsicherheitsgesetz) only the Austrian Federal Minister of Interior (Innenminister) may designate other articles as forbidden items by directive (Verordnung) and give instructions (Weisungen).[[27]](#footnote-28) See question 2.1.1.

* 1. *May a pair of scissors or a saw be included in a pocket knife with a blade of max. 6 cm? If so, is the size of the pair of scissors or the length of the saw of relevance?*

A pocket knife consisting of a saw, a pair of scissors and a knife has to meet all criteria in every part in order not to be regarded as a forbidden item. Every single part is therefore subject to an individual evaluation. Only if none of them is considered as a forbidden item can the pocket knife be carried in the security restricted area. A Swiss army knife meets the criteria if the knife, the saw and the scissor are no longer than 6 cm.

While for scissors it is stated in the Regulation (EU) 2015/1998 and the list of the Austrian Federal Minister of the Interior (Innenminister) that they are measured by the fulcrum (the hinged joint), neither of them clarifies how the blade of a knife is to be measured.[[28]](#footnote-29) According to the website of the Vienna Airport and Vienna Airport Security Services the blade of a knife is measured from the blade tip to the beginning of the handle. Since it is not apparent what this measurement method is based on and since we are aware that this measurement method is not in line with the measurement methods of other EU countries, we contacted the ombudsman team (Ombudsstelle) of the Vienna Airport Security Services GmbH on an anonymous basis.

According to the ombudsman this measurement method is based on the directive 4.1, which is an internal instruction (interne Weisung) of the Austrian Federal Ministry of the Interior (Innenministerium). This internal instruction is not publicly available.

According to the ombudsman the instruction states that the knife is measured from the blade tip to the beginning of the handle. Thus this method does not only include the cutting blade, but also the not sharpened part of a knife. Related to the graphic provided from you under question 1.5 of your questionnaire this means that the blade of the printed knife measures 70 mm.

Thus, a Swiss army knife (not separable) including a pair of scissors and/or a saw in a pocket knife may be carried in the security restricted area of an Austrian airport, if the knife and the saw is no longer than 6 cm (measured from the blade tip to the beginning of the handle) and the scissor is no longer than 6 cm (measured from the fulcrum [the hinged joint]). The measurement is always done in an unfolded state. The ombudsman team is aware that this approach differs from regulations of other member states.

* 1. *What is considered as a sharp object besides knives?*

There is no definite list determining sharp objects. The following objects besides knives are for example considered as sharp objects:

1. Scissors with blades over 6 cm;
2. axes, hatchets, cleavers, ice axes and ice picks; and
3. razor blades, carpet knives, martial arts equipment with a tip or a sharp edge, swords and sabres.

Further the Vienna International Airport Security Services GmbH lists the following objects as pointed or sharp objects:

1. Camping (armed forces) cutlery, not separable, if knife is longer than 6 cm (measured from the blade tip to the beginning of the handle);
2. candle holder, if tip is longer than 6 cm;
3. cant hook;
4. corkscrews with a total length of more than 5 cm;
5. credit-card knife;
6. letter opener with a total length of more than 15 cm;
7. meat fork/roasting spit, if prongs are longer than 6 cm (measured from the blade/prong tip to the beginning of the handle);
8. metal tail comb with a total length of more than 20 cm;
9. nail file (pointed) with a total length of more than 20 cm (e.g. metal, glass, and plastics);
10. safety pins with a total length of more than 15 cm;
11. saw blades with a total length of more than 15 cm;
12. scalpel/scalpel blades;
13. table knife with a blade length of more than 6 cm (measured from the blade tip to the beginning of the handle); and
14. vignette scraper (with metal blade).

According to the Ombuds Team (Ombudsstelle) of the Vienna International Airport Security Services GmbH the classification of these objects as pointed or sharp objects is based on the directive 4.1, which as noted above is an internal instruction (interne Weisung) of the Austrian Federal Ministry of the Interior (Innenministerium).

* 1. *Are there any further aviation security regulations with respect to the Victorinox (pocket) knives to be observed?*

See question 2.1.1. Please further see the individual regulations of airlines.

* 1. *Are there any changes intended in the near future? If so what do they concern?*

We are not aware of any intended changes in the near future.

Ibach, Switzerland, 10 December 2024

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1. Section 1 Austrian Weapons Act 1996. [↑](#footnote-ref-2)
2. Ris-Justiz RS0082031. [↑](#footnote-ref-3)
3. *Grosinger/Siegert/Szymansk*i, Das neue österreichische Waffenrecht4 § 1 S 11; Waffe iSd Waffengesetzes (27.01.2021, LexisNexis Rechtsnews 30313 in lexis360.at). [↑](#footnote-ref-4)
4. Ris-Justiz RS0082031; Waffe iSd Waffengesetzes (27.01.2021, LexisNexis Rechtsnews 30313 in lexis360.at). [↑](#footnote-ref-5)
5. Section 17 Austrian Weapons Act. [↑](#footnote-ref-6)
6. Section 11a Austrian Weapons Act. [↑](#footnote-ref-7)
7. Section 36b Austrian Security Police Act (*Sicherheitspolizeigesetz*). [↑](#footnote-ref-8)
8. *Keplinger/ Pühringer*, Sicherheitspolizeigesetz Praxiskommentar19 § 36b S. 119. [↑](#footnote-ref-9)
9. *Keplinger/ Pühringer*, Sicherheitspolizeigesetz Praxiskommentar19, [↑](#footnote-ref-10)
10. Section 36b Austrian Security Police Act (*Sicherheitspolizeigesetz*). [↑](#footnote-ref-11)
11. Section 36b Austrian Security Police Act (*Sicherheitspolizeigesetz*). [↑](#footnote-ref-12)
12. Section 1 Austrian Court Organisation Act (*Gerichtsorganisationsgesetz*). [↑](#footnote-ref-13)
13. *Spehar/Fellner*, Richter- und Staatsanwaltschaftsdienstgesetz (RStDG) und Gerichtsorganisationsgesetz4 § 1 GOG Rz 2. [↑](#footnote-ref-14)
14. BvWG 10.10.2016, W108 2111999-1. [↑](#footnote-ref-15)
15. Section 4 para 4 School Regulation. [↑](#footnote-ref-16)
16. Section 9a Austrian Assembly Act. [↑](#footnote-ref-17)
17. Section 9a Austrian Assembly Act. [↑](#footnote-ref-18)
18. See Federal Event Laws (*Veranstaltungsgesetze*). [↑](#footnote-ref-19)
19. *Grosinger/Siegert/Szymanski*, Das neue österreichische Waffenrecht4 § 1 S 11. [↑](#footnote-ref-20)
20. LVwG Tirol LVwG-2020/24/2380-6. [↑](#footnote-ref-21)
21. Section 11 and 11b, Section 45-47 Austrian Weapons Act. [↑](#footnote-ref-22)
22. Section 50 para 1 Austrian Weapons Act. [↑](#footnote-ref-23)
23. Section 50 para 1 Austrian Weapons Act. [↑](#footnote-ref-24)
24. Section 51 Austrian Weapons Act. [↑](#footnote-ref-25)
25. Section 52 Austrian Weapons Act. [↑](#footnote-ref-26)
26. Section 3 para 3 Austrian Aviation Safety Act. [↑](#footnote-ref-27)
27. Section 3 para 3 Austrian Aviation Safety Act. [↑](#footnote-ref-28)
28. Regulation (EU) 2015/1998; List of the Austrian Federal Minister of the Interior. [↑](#footnote-ref-29)