**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**SWITZERLAND**

# Weapons Act

*1.1 Which knives are considered weapons under your local law?*

For the purposes of the Federal Act on Weapons, Weapon Accessories and Ammunition (hereinafter Weapons Act) and the Federal Ordinance on Weapons, Weapon Accessories and Ammunition (hereinafter Weapons Ordinance), a knife is considered a weapon if it has (i) a blade which can be opened by means of an automatic mechanism that requires the use of one hand only, (ii) a total length of more than 12cm in a fully opened state, and (iii) a blade length of more than 5cm. Butterfly knives are considered weapons if they meet the latter two criteria (ii) and (iii) (cf. Article 4 Section 1 Letter c of the Weapons Act and Article 7 Sections 1 and 2 of the Weapons Ordinance).

The question as to whether so-called spring-loaded folding-knives (including an assisted opening) shall be considered openable with only one hand is controversial. According to the practice of the Federal Office of Police (hereinafter Fedpol), this should be affirmed. The Federal Supreme Court (hereinafter FSC) confirmed this practice in a decision of January 18, 2019, concerning a knife of the type Kershaw Brawler based on the argument that pressing a flipper backwards hardly differs from pressing a button on a classic folding knife, since in both cases a certain manual pressure is used to overcome the initial resistance. In addition, the FSC emphasized that springs are merely an example for a mechanism that requires the use of one hand only (see FSC decision 6B 660/2018 of January 18, 2019).

Furthermore, daggers and throwing knives are also considered weapons, provided that they have a fixed, pointed and symmetrical blade of more than 5cm but less than 30cm.

Knives or daggers that do not meet the above criteria are not considered weapons.

*1.2 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)?*

If knives are considered weapons within the meaning of the Weapons Act and Weapons Ordinance (see answer to question 1.1 above), they belong to the category of prohibited weapons (cf. Article 5 Section 2 Letter a of the Weapons Act). The transfer, acquisition, brokerage for recipients in Switzerland as well as the bringing of prohibited weapons into Swiss territory is as a general rule prohibited. However, exemption permits are possible under certain (restrictive) conditions. Exemption permits require that there are legitimate grounds for doing so, that there are no impediments and that the special requirements of the Weapons Act are met (cf. Article 28b Sections 1 and 2 of the Weapons Act and, in particular, the requirements pursuant to Article 52 Section 1 of the Weapons Ordinance). For instance, professional requirements or a physical handicap of a purchaser of such knives may represent legitimate grounds.

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

Knives that do qualify as weapons in the sense of the Weapons Act must be kept in a safe place and protected from access by unauthorised third persons. A loss of such weapon must be reported to the police immediately (cf. Article 26 of the Weapons Act). The law does not contain more detailed provisions pertaining to the storage of knifes qualifying as weapons in the sense of the Weapons Act. However, as a general rule, the more dangerous a weapon is the stricter safety measures must be applied. Whether a weapon is stored safely can thus only be assessed on a case-by-case basis, in view of the likelihood that a third person may get access to it (e.g. if children live in the same household, weapons must be kept in a locked container). If a weapon is carried within the framework of a permit-free transport, the owner shall procure that weapons are not recognizable for third persons and are not left unattended.

Knives that are not considered weapons within the meaning of the Weapons Act may in principle be carried around freely as long as they do not become a dangerous object due to the way they are carried or used. Consequently, it must always be checked in each particular case for what use a particular knife is intended to be used and for what specific purpose the owner intends to use it. For instance, in the case of a craftsman on a construction site, a visible knife will have to be regarded as a tool according to the public opinion. On the other hand, if a butcher's knife is shown visibly in publicly accessible places, or knives are carried (often in connection with alcohol) to places known for an increased risk of escalation of violence (e.g. knife or dagger in boots), the lawful use is not evident it must be assumed that the knife is carried improperly.

The use of a container may be an indication of the use intended by the carrier. The intention of the legal prohibition of certain knives is to avert the danger from the public which arises of knives hidden away but ready for use. For the assessment of whether an object shall be considered a dangerous object, the same consideration can be imposed by analogy. If a closed container is used, a knife is not readily available and the danger of using it in the heat of the moment appears to be significantly reduced. Accordingly, in such case the danger of such a knife being used to threaten or injure people appears to be considerably lower than with a knife carried along loosely.

*1.4 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.)?*

If an object is considered a weapon within the meaning of the Weapons Act, the provisions concerning the carrying of weapons in publicly accessible places must be observed (see answer to question 1.2 above). It is forbidden to carry weapons in publicly accessible places without a permit. Even if a transport is considered a permit-free transport within the meaning of the Weapon Act, any regulations of the transportation agent retained (if any) must be followed.

If an object is not considered a weapon within the meaning of the Weapons Act, such object may in principle be carried around freely. However, a property owner (by virtue of his right of ownership) or a holder of public property (on the basis of corresponding police regulations) is free to issue directives concerning the use of his territory by third parties, as long as the constitutional rights of the addressees are observed. This can also include the authority to restrict or prohibit the carrying of knives (which are not weapons or dangerous objects within the meaning of the Weapons Act). The same applies to service providers on the basis of contractual freedom. It would therefore be permissible to impose certain restrictions on the transport of knives (even if they are not considered weapons or dangerous objects within the meaning of the Weapons Act).

According to the competent Swiss authorities, there are currently no specific public law prohibited zones for carrying knives (knives that do not fall under the definition of a weapon in accordance with the Weapons Act for the relevant definition, see answers to questions 1.1 and 1.6), and no such prohibited zones are planned in the foreseeable future. In this context, it should be noted that political circumstances - especially at cantonal level - can change quickly and such prohibited zones cannot be ruled out in the future. It is advisable to keep an eye on political developments in both Switzerland and the EU in this regard

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



With respect to knives, two units of measurement are important, total length and blade length. Only knives with a total length of more than 12cm in a fully opened state and a blade length of more than 5cm and which are additionally equipped with a one-handed automatic mechanism are considered weapons (see answer to question 1.1 above).

The law does not contain any more detailed provisions on measurement methodology. However, it is common practice to measure the total length from the tip of the blade to the rearmost point of the handle, and the blade length from the tip of the blade to the point where the blade shank exits the shank of the knife. In other words, the blade length must be measured to the point at which the knife would naturally stop penetration when it is used as a stitch weapon.

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

The term weapons in the sense of the Weapons Act includes, in addition to certain knives, firearms of all kinds, imitation firearms, blank cartridge and soft-air weapons that can be mistaken for real firearms due to their appearance, devices intended to injure a person (namely batons, throwing stars, slingshots, nunchakus and tonfas), but also all kinds of electrical shock devices, and some spray products with irritant gases.

If an object is not a weapon in the sense of the Weapons Act, it may still qualify as a dangerous object in the sense of the Weapons Act. The Weapons Act provides some examples of objects that may be considered a dangerous tool (like tools or household appliances or sports equipment). In principle, any object capable to be used to injure a person can become a dangerous object. Consequently, whether an object qualifies as a dangerous object in the sense of the Weapons Act is determined by (1) its designated use and (2) the impression about the use intended by the holder (see answer to question 1.2 above).

Accordingly, there is no general definition of when exactly a pair of scissors constitutes a dangerous object. There is thus no clear specification as to how long or wide a pair of scissors may be so that they are not considered a dangerous object. However, we are of the opinion that carrying a pocket tool including scissors is not considered a dangerous object when used as intended. However, should the pocket tool be carried in a specific place that is known for escalating violence (especially in connection with alcohol), the scissors could certainly be classified as a dangerous object (also see answer to question 1.3).

*1.7 Are there any exceptions?*

According to the terminology of the Weapons Act, an object is only covered by the Weapons Act if it is either considered a weapon or a dangerous object.

With regard to weapons, the Weapons Act expressly states that antique weapons (i.e. firearms manufactured before 1870 and cutting, thrust and other weapons manufactured before 1900) are governed by the Weapons Act only with respect to the provisions on carrying and transporting arms (see answer to question 1.2 above).

With regard to dangerous objects, the Weapons Act states that penknives, such as the Swiss Army pocket knife by Victorinox and similar products, are not considered dangerous objects (cf. Article 4 Section 6 in fine of the Weapons Act also see answer to question 1.2 above).

*1.8 What are the consequences for a legal offense?*

Violations of the provisions of the Weapons Act may have criminal and administrative consequences.

Most offences against the Weapons Act are misdemeanours. Among other, anyone who (i) offers for acquisition, transfers possession of, brokers, acquires, possesses, manufactures, alters, modifies, carries, exports to a Schengen state or brings into Switzerland weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components unlawfully, (ii) brings into Switzerland, as the holder of a weapons trading permit, weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components without registering these objects or declaring them correctly, or (iii) as the holder of a weapons trading permit fails to keep weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components in a safe place is liable to prosecution. If the offender acts intentionally, such offences carry a custodial sentence not exceeding three years or a monetary penalty. If such offence is committed in the manner of a commercial business, the punishment may be increased up to five years custodial sentence. If such offence is committed negligently, the punishment may be a monetary penalty (cf. Article 33 of the Weapons Act, predominately Section 1 letters a, b and e, Section 2 and Section 3 letter a). Furthermore, less serious violations against the Weapons Act (for example, as far as someone does not carry his permit to carry a weapon with him) are punishable by a fine (cf. Article 34 of the Weapons Act).

If a weapon or a dangerous object is actually used, the perpetrator can also make himself liable to prosecution in accordance with respective provisions of the Swiss Criminal Code, whereby the use of weapons in certain offences (e.g. battery, robbery or rape) is regarded as a qualifying criterion and thus has an aggravating effect. Moreover, the middleman of weapons may also be liable to prosecution, if he or she knows or must assume that respective weapons are intended to be used to commit a felony or misdemeanour (cf. Article 260quater of the Swiss Criminal Code).

In addition to the criminal consequences, a violation against the Weapons Act can have administrative consequences. The confiscation of weapons concerned or the withdrawal of permits are particularly suitable administrative measures. If only dangerous objects are affected, they can be confiscated if they are carried improperly, but the wearer is not threatened with any further consequences such as criminal prosecution. Confiscation of weapons falls within the competence of the prosecution authorities (criminal proceedings) or the administrative authorities (outside criminal proceedings). For example, in the Canton of Zurich the governor (Statthalter) is competent to issue orders to confiscate weapons while execution of such orders falls within the competence of the police departments (cf. Paragraph 8 Section 1 and 2 of the Weapons Ordinance of the Canton of Zurich).

With regard to aerodromes (see answers to questions 2.1 et seq. below), special reference must be made to Article 91 Section 2 Letter d of the Aviation Act, pursuant to which anyone who deliberately brings a weapon or a dangerous object within the meaning of the Weapons Act into the safety area of an aerodrome without a permit is liable to prosecution. Consequently, with regard to dangerous objects, this provision is stricter than the general provisions of the Weapons Act.

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

The Federal Decree on the Approval and Implementation of the Exchange of Notes between Switzerland and the EU concerning the Adoption of Directive 2017/853 amending the EU Weapons Directive was implemented in Switzerland in August 2019 and December 2019. However, the amendments to the Weapons Act based on the EU Weapons Directive concerned firearms and not cutting and stabbing weapons. Since 2019, there have only been minor formal amendments to the Weapons Act. Terms have been standardized, penalties have been adjusted and references to other acts have been made.

It has already been pointed out above (see answer to question 1.2 above) that the (negative) qualification and thus the exclusion of penknives, such as the Swiss Army pocket knife by Victorinox and similar products, as dangerous objects constitute a legislative decision which is considered to be arbitrary by some legal scholars. Although the reasons for the legislator’s decision is probably to be found in the traditional understanding of the Swisss handling of his penknife, it cannot be excluded, in view of the constant danger of terrorist attacks, that this understanding may change if such objects were to be carried along or even used in respective attacks.

# 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 6cm are not allowed to be taken into the security restricted areas or on board of an aircraft.*

According to the Official Journal of the European Union stipulating detailed measures for the implementation of the common basic standards in aviation security, any pointed or sharp objects which may cause serious injury, including knifes with a blade of more than 6cm are not allowed to be taken into the security restricted areas or on board of an aircraft.

This also applies to Zurich Airport and Geneva Airport. At both airports, knives or scissors with a blade of more than 6 cm are not permitted in hand baggage. However, this rule may vary depending on the airline (for more specifics see answer to question 2.1.1 below).

* + 1. *Are there any further national regulations to be considered in this respect?*

The Swiss Confederation has entered into a bilateral treaty with the European Union (EU) in the field of air transport (hereinafter Air Service Agreement cf. SR 0.748.127.192.68). The Air Service Agreement forms part of the bilateral treaties by and between Switzerland and the EU. As a general rule, EU law is not applicable in Switzerland. However, through the Air Service Agreement, Switzerland is obliged to comply with the European law decrees defined in its annex they are thus indirectly applicable in Switzerland. A joint committee determines when amendments to EU law (including rescission of applicable acts) become binding in Switzerland. In the relevant context regarding the establishment and implementation of standards ensuring flight safety, the most important applicable rules are the following:

* Regulation (EC) No. 300/2008
* Implementing Regulation (EU) 2015/1998 and
* Implementing Regulation (EC) 272/2009.

In addition, there is also the EU-Commission Implementing Decision C(2015)8005 which contains implementing rules that are not published due to their classification as sensitive security information. The Implementing Decision C(2015)8005 is only addressed to operators of aerodromes or other entities responsible for the implementation of security regulations based on a need to know concept. In relation to passengers, however, it has no binding effect, because these regulations are not published (cf. judgment of the European Court of Justice in case C-345/06, Heinrich vs. Austria, of March 10, 2009).

Furthermore, the Aviation Act, the Aviation Ordinance and the Ordinance of the Federal Department of Environment, Transport, Energy and Communication (hereinafter DETEC) on Aviation Safety Measures (hereinafter ASM Ordinance) must be observed, which implement or partially supplement the applicable EC/EU regulations. The Federal Office of Civil Aviation (hereinafter FOCA) as competent authority has a central function for coordinating and monitoring the implementation of the common basic standards. The FOCA is also responsible for issuing the National Security Program (hereinafter NASP) to be adopted in accordance with Regulation (EC) No. 300/2008. However, the NASP is not published either. It is addressed to authorities (and any private bodies responsible for public tasks, i.e. aerodromes) and is an administrative ordinance. In the application of the law in relation to passengers, it is the corresponding EU regulation that is subject to application (not the NASP itself), whereby the question as to whether the NASP imposes duties on individuals must be set in the relevant context insofar that Attachment 4-C of the Implementing Regulation (EU) 2015/1998 was integrated into the NASP. With respect to the EU, it can thus be said that air traffic law and safety measures to be taken within its framework are largely harmonized. Furthermore, the security-relevant provisions of EU law also serve as an essential source of law in Switzerland when the question of the authorization to carry certain items in aerodromes or on board of an aircraft is raised.

Pursuant to letters c and d of Attachment 4-C to the Implementing Regulation (EU) 2015/1998, passengers are not permitted (among other) to carry the following items in their cabin baggage into the security restricted areas of airports or on board an aircraft:

* objects with a sharp point or sharp edge that may be used to cause serious injury (including knives with blades of more than 6cm or scissors with blades of more than 6cm as measured from the fulcrum)
* tools with a blade or a shaft of more than 6cm that may be used as a weapon and
* blunt instruments that may be used to cause serious injury when used to hit. However, transport in hold baggage is possible in principle (see implementing regulation No. 5.4.1 in conjunction with Attachment 5-B e contrario).

The above-mentioned provisions represent common basic standards more stringent measures in the form of an amendment of prohibited items are reserved as long as these measures are objective, risk-adequate and non-discriminatory. Accordingly, it is a question of whether an object reaches an analogous level of danger (i.e. the danger of causing serious injury cf. Article 6 of Regulation (EC) No. 300/2008).

There exist bilateral treaties with more than 140 other countries outside the EU (Verkehr | Fedlex: https://www.fedlex.admin.ch/de/cc/international-law). Where such bilateral treaties regulate safety aspects, they must be taken into account. However, Swiss law applies as long as the aircraft is on Swiss soil or in Swiss airspace. Swiss law is also applicable abroad on board of Swiss aircrafts, as long as the law of another country is not mandatory.

Furthermore, the Convention on International Civil Aviation (Chicago Convention) and its Annex 17 Security with international standards and recommended practices of the International Civil Aviation Organization (hereinafter ICAO) should also be mentioned in this context. However, the provisions are addressed to the member states, such as Switzerland, and operators of airports (not to passengers).

Finally, at cantonal level, respective police laws must be observed. For instance, the Canton of Zurich has enacted an Airport Act. The latter stipulates that the guarantee of security measures in accordance with the security program for Zurich Airport is provided by the Zurich Cantonal Police (cf. 5 Section 1 of the Airport Act).

For the sake of completeness, it should also be pointed out that the provisions of the War Material Legislation are to be observed when exporting weapons and, if these are not applicable, the provisions of the Goods Control Legislation shall be observed. Pursuant to the Goods Control Legislation, even an object that is only subject to national export controls requires an export license. However, knives and daggers in terms of Article 7 of the Weapons Ordinance are exempt in non-commercial circulation (cf. Article 3 Section 1 Goods Control Ordinance and Annex 5 Section 1 of the Goods Control Ordinance).

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

See explanations in the previous answer to question 2.1.1 above.

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

Pursuant to Art. 4 Section 1 of the ASM Ordinance (as defined under answer to question 2.1.1 above), it is the responsibility of the airport operator to take measures ensuring airport security in accordance with Annex I of Regulation (EC) No. 300/2008 and the Implementing Regulation (EU) 2015/1998. Pursuant to Art. 5 Section 1 of the ASM Ordinance, it is up to the air carrier to take measures ensuring safety of aircrafts in accordance with Annex I of Regulation (EC) No. 300/2008 and the Implementing Regulation (EU) 2015/1998. As outlined under answer to question 2.1.1 above, there is a harmonized regulation in the European area to what extent knives may be carried in airplanes. The airport operator and the airlines must ensure that these regulations are complied with. However, is has to be emphasized once again that the rules described above under answer 2.1.1 are only basic standards. Further restrictions are possible if the object reaches an analogous level of danger, i.e. the danger of causing serious injury (cf. Art. 6 of Regulation (EC) No. 300/2008). Furthermore, when travelling to destinations outside the EU, knives on board of aircrafts may be generally prohibited (namely at US, Israelian and Asian destinations).

In addition to complying with rules at the place of destination, airlines and airports are free to impose stricter rules. For example, the airline Emirates prohibits knives of all types, shapes and sizes in cabin baggage (cf. https://www.emirates.com/ch/german/before-you-fly/baggage/cabin-baggage-rules.aspx). On the other hand, Flughafen Zürich AG complies with Attachment 4-C of the Implementing Regulation (EU) 2015/1998 and does not apply stricter security regulations for passenger security checks. Accordingly, it is permitted at Zurich airport to carry knives with a blade length of up to 6cm in the cabin baggage, provided they are not considered knives or dangerous objects in the sense of the Weapons Act.

Passengers are generally advised to check with the airport and the airline before embarking on their journey whether the items (knives) they intend to take with them in their cabin baggage are considered harmless. With respect to Zurich airport, passengers that are unsure whether specific items (knives) may be carried in the cabin baggage may also contact the information center (info(at)zurich-airport.com) or the airport security department (airportsecurity(at)zurich-airport.com or safetyoffice(at)zurich-airport.com) in advance. As an alternative, it is mostly possible to transport restricted items with the passengers hold/checked baggage.

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

The Implementing Regulation (EU) 2015/1998 contains in letters c and d of Attachment 4-C an enumerative, non-exhaustive list of items that are prohibited in the cabin baggage of passengers. With respect to scissors, the said Attachment explicitly states that they are prohibited if they have a blade of more than 6cm measured from the fulcrum. As a result, shorter scissors are permitted (subject to stricter regulations as may be imposed by airlines and airports see answer to question 2.2 above).

Saws are cited as an example of workmans tools capable of being used either to cause serious injury or threaten the safety of aircraft without a minimum length being provided, suggesting a general ban. Whether the Swiss legislator has considered saws with a blade length of less than 6cm is questionable. After all, for other tools that could be used as weapons, the length of the blade or shaft is again of relevance for the legislator and again set at a limit of 6cm. To what extent a mini saw should be more dangerous than a mini screwdriver is not comprehensible. The same can be argued with respect to the protective purpose of the regulation: the danger of causing serious injuries with a mini saw seems to be very low. However, in view of the fact that the wording of the rule is clear in itself, the interpretation of the rule must be applied strictly, meaning that saws shall be considered prohibited.

Attachment 4-C does not deal with the question of how related objects are to be assessed. If, however, certain objects are allowed individually, it must be deducted that the same rules apply to a combination of items, provided (in accordance with the meaning and spirit of the provisions) that this does not increase their dangerousness. As a result, it is admissible to combine a knife and a scissor in a multifunctional device and carry such device with the cabin baggage as long as the same requirements are fulfilled that would be applicable if the knife and the scissor would be a separate object.

Furthermore, it should be emphasized again that Article 6 of Regulation (EC) No. 300/2008 allows to apply stricter measures, provided that these are objective, non-discriminatory and that the object in question has an analogous risk potential in terms of the possibility of causing serious injury. An assessment which can vary from country to country and which, as the non-European area shows, actually differs significantly. A conclusive assessment is therefore only possible on a case-by-case basis with respect to the legal spheres concerned.

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

Pursuant to letter c of Attachment 4-C of the Implementing Regulation (EU) 2015/1998, the following objects (apart from knives) are considered to be objects with a sharp point or sharp edge:

* items designed for chopping, such as axes, hatchets and cleavers
* ice axes and ice picks
* razor blades
* box cutters
* scissors with blades of more than 6cm as measured from the fulcrum
* martial arts equipment with a sharp point or sharp edge
* swords and sabers.

However, as already mentioned, the above enumeration is not to be understood conclusively. In principle, any object, whether sharp after manufacture according to its regular use or sharpened or abraded due to subsequent processing, can constitute an object with a sharp point or sharp edge. However, please note that the EU regulations are basic standards the implementation and enforcement of stricter measures remains possible. As mentioned above, Zurich Flughafen AG does not apply stricter security regulations for passenger security checks.

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

No, subject to the answers to questions 2.1 et seq. above.

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

Civil aviation law and air traffic law are a dynamic legal area reflecting both technical developments and the security situation. For example, after the terrorist attacks of September 11, 2001, the United States introduced stricter security measures, which other states were also required to observe in view of the threat of landing prohibitions for aircrafts in the USA. In this or another way, the example shows that a purely national approach is illusory, if only because every passenger affects at least two legal spheres, those at the departure airport and those at the destination airport.

Ibach, Switzerland, 27 January 2025

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