**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**GERMANY**

# Weapons Act

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

Knives are classified as weapons if they are by nature intended to remove or reduce humans' ability to attack or defend, in particular cutting weapons and thrust weapons.

In addition to this, those objects are weapons which, due to their properties, method of operation or how they work, are able to remove or reduce humans' ability to attack or defend, even if not intended for that purpose, and are referred to in this Act.

The following knives are specified in the act:

*“2.1 Knives,*

*2.1.1 in which the blade is flicked forward and can be fixed in place by exerting pressure on a button or lever (flick knives),*

*2.1.2 in which the blade drops forward out of the handle under its own weight or with the help of a flicking movement and stays in place automatically or when a catch is released (gravity knives),*

*2.1.3 in which the blade is at right angles to the grip and which is designed to be held or used with a closed fist (fist knives),*

*2.1.4 folding knives with a split, swivelling grip (butterfly knives).”*

The handling of any knife specified in 2. above is prohibited and a punishable offence.

Exempted from the ban are flick knives in which the blade springs out of the side of the grip and the part of the blade which projects from the grip is no more than 8.5 cm long and is not honed on both sides, as long as there is a legitimate interest that necessitates one-handed use, or the handling is in connection with professional activity (Annex 2, 1.3.1).

Although they are not covered by the term weapons, knives with a blade which can be fixed with one hand (one-hand knives) and fixed knives with a blade length of over 12 cm are regulated particularly in the Weapons Act. It is generally prohibited to carry such knives (§ 42a I Nr. 3 WaffG).

Within the meaning of the Weapons Act, a person is deemed to carry a weapon if he or she exercises actual control over the weapon outside his or her home, business premises or own enclosed property or a shooting range.

In the absence of an explicit legal regulation, we would apply the same standards to scissors or saws as to knives. Case law generally denies that a specific object is a weapon if the technical characteristics (length, width, shape) of the blade in question correspond to those of a utility knife. Case law generally differentiates according to the purpose of the respective object. Objects that are primarily used for other purposes, in particular everyday activities, as is the case with axes, hatchets, scythes and sickles, do not qualify as weapons. Although these objects can also cause injury by a blow, their purpose is aimed at a different use.

*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)?*

The transport of knives is subject to the above definition of carrying a weapon. Transporting a knife in a locked container is permitted (§ 42a II Nr. 2 WaffG).

Moreover, the ban on carrying does not apply to use in connection with photographic sessions, film or television recordings or theatre performances (§ 42a II Nr. 1 WaffG).

One-hand knives or fixed knives with a blade length of over 12 cm may be carried where a legitimate interest applies. A legitimate interest applies in particular when a knife is carried in connection with the carrier's occupation, in order to preserve traditions, for sports or a generally recognized purpose (§ 42a II Nr. 3, III WaffG. In case law, this exceptional regulation is interpreted extremely restrictively. As far as our experience goes, you can on no account rely on this.

The Weapons Act does not specify anything regarding the use of scissors and saws. If they reach the lengths required for the classification as a weapon, we would assume that the corresponding weapons regulations could also apply to scissors and saws. Still, objects that are primarily used for other purposes, in particular everyday activities, do not qualify as weapons. Although these objects can also cause injury by a blow, their purpose is aimed at a different use. We therefore do not assume that corresponding regulations apply to normal scissors or saws (also applies to 1.3 and 1.4).

*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)?*

The knives have to be transported in a locked container (§ 42a II Nr. 2 WaffG).

*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.)?*

The recently reformed national Weapons Act prohibits carrying any knives in public amusements, fairs, sporting events, trade shows, exhibitions, markets, as well as in theaters, cinemas, and nightclubs, dance events or similar public events (§ 42 I, IVa WaffG). The recently added § 42b WaffG bans knives in long-distance public transportation and in enclosed facilities of long-distance public transportation, particularly buildings and stops. The Ministry of the Interior has also issued an ordinance that strictly regulates the carrying of knives in federal railway areas.

Excluded from these bans are delivery traffic, professional carriers of knives, transporters of knives if the holder of the house rights has agreed to the carrying of the knife, if the knife is exhibited at trade shows, markets, and exhibitions, rescue forces, participants in photo, film, or television recordings, theater performances or historical representations, persons who carry knives in connection with traditional customs, hunting, or sports activities, restaurateurs and their employees and customers, as well as persons who carry knives in connection with a generally recognized purpose. This list may seem relatively extensive, however, in practice, the exceptions are likely to be handled quite restrictively and, in urgent cases, are likely to be considered only exceptionally.

The national Weapons Act and police laws of the federal states allow the establishment of so-called weapons ban areas. Police regulations may also ban any dangerous objects from certain areas, in particular any kind of knives, if these areas are regularly crime scenes of violent acts, venues of public gatherings, or meeting points for children and adolescents. However, it is permitted to transport knives through weapons ban areas, if the knives are not accessible. The reformed Weapons Act stipulates that a knife is not readily accessible if it can only be reached with more than three hand movements. (Appendix 1, Section 2, Point 13 WaffG).

Outside of weapons ban areas, fixed-blade knives may be carried if the blade is less than 12 centimeters long. Pocket knives like the world-famous Swiss Officer Knife without blade locks may generally be carried in public. Even folding knives with blade locks are allowed, as long as the blade cannot be opened with one hand.

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



The blade length is measured as the distance between the tip of the blade and the base of the handle, so the blade shank is included. This is not regulated in the act and, as far as we can see, there also is no case law regarding this but only reports from police contingencies.

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

Presenting a list of all dangerous objects specified in the Weapons Act would go beyond the scope of this questionnaire. Most dangerous objects are specified in the two Annexes to the Weapons Act.

Scissors and saws are not explicitly mentioned as further dangerous objects under the Weapons Act. It can be assumed that the features of pocket knives normally used or an ordinary travelling knife do not fall under the definition of a weapon. However, it is possible that individual regions may issue different and stricter regulations by general decree in individual cases.

*1.7 Are there any exceptions?*

Numerous exemptions are provided for in the Weapons Act. An exemption that is relevant here is the exemption from the absolute ban on flick knives. Exempted from the ban are flick knives in which the blade springs out of the side of the grip and the part of the blade which projects from the grip is no more than 8.5 cm long and is not honed on both sides, as long as there is a legitimate interest that necessitates one-handed use, or the handling is in connection with professional activity (see above).

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

A violation of the ban on carrying one-hand knives or fixed knives with a blade length of over 12 cm can be punished with a fine of up to € 10,000.00. Usual fines are in the range of € 200.00 to € 300.00.

The other violations are criminal offences. They are basically punishable by imprisonment of up to three years or by fines.

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

The federal Weapons Act has been amended on October 31st, 2024. Since the elections to the German Parliament are scheduled to take place on February 23rd, 2025, and it is therefore not yet possible to predict whether there will be further tightening of the Weapons Act.

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

In addition to this, the German Aviation Security Act (Luftsicherheitsgesetz) is to be taken into account. In Section 11, it refers to the known Implementing Regulation EU 2015/1998. Generally, it is prohibited to carry firearms, cutting weapons, thrust weapons and sprayers which can be used for attack or defence purposes.

Theoretically, passengers are allowed to take a knife with a blade length of up to 6 cm into the cabin of an airplane. However, many airport operators and their security services do not allow knives that are permitted under EU and federal regulations, citing their house rules or airline regulations.

* + 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?*

Most airport operators and their security services do not allow knives that are permitted under federal and EU regulations, citing their house rules or airline regulations.

* 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?*

In our opinion, there should be no objections to the pocket knife. The length of the pair of scissors or saw is relevant in the same way as the length of the knife. It must not be longer than 6 cm (measured up to the joint).

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

With regard to this, I point to the abovementioned EU Directive.

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

We are not aware of other regulations.

If you are planning a relevant knife, we advise you to present the knife or the specific plans to the federal police beforehand to check for any existing security concerns.

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

We do not know of any intended changes.

Ibach, Switzerland, 20 December 2024

\* \* \*