**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**SPAIN**

# Weapons Act

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

In the Spanish legal system, there is no legal terminological definition of the term “weapon”, although all the types of weapons covered by this term are broadly defined and, therefore, we must resort to the definition of all these terms to obtain the global definition.

Thus, we must resort to the definition of edged weapon provided for in Article 2.7 of the Royal Decree 137/1993, of January 29, 1993, approving the Weapons Regulation (hereinafter, the “Weapons Regulation”):

*“Bladed weapon: Weapon consisting of a metallic blade or other material of similar physical characteristics, cutting or piercing.”*

The Weapons Regulation differentiates between prohibited weapons and regulated weapons.

The regulated weapons, whose acquisition, possession and use may be authorized or permitted in accordance with the provisions of the Weapons Regulation, shall mean the bladed weapons which, taking into account their characteristics, degree of danger and destination or use, are listed in Article 3 of the Weapons Regulation in the 5th category as follows:

*Article 3 - Regulated Weapons*

*[...]*

*5th category:*

*[…]*

1. *Bladed weapons and in general those with sharp or cutting blades that are not prohibited.*
2. *Knives or machetes used by military units or imitations thereof.*

*[…]*

Once the concept of bladed weapons has been defined, which includes any kind of knives, we must determine which bladed weapons are considered prohibited weapons.

Thus, according to Article 4 (f) of the Weapons Regulation, which defines the prohibited weapons, whose manufacturing, importation, circulation, advertising, purchase and sale, possession and use are prohibited, the following bladed weapons are considered prohibited weapons:

*Article 4 (f) - Prohibited Weapons*

*[...]*

*(f) Batons-strokes, daggers of any kind and knives known as automatic knives. For these purposes, bladed weapons with a blade of less than 11 centimeters, two-edged and pointed shall be considered as daggers.*

*[…]*

Therefore, those knives that are not considered prohibited weapons according to Article 4 (f) are considered regulated weapons according to Article 3 of the Weapons Regulation.

Depending on the specific circumstances (e.g. purpose, place and time of use), scissors with sharp points or cutting edges that can be used to cause serious injuries, in particular when their blades exceed 6 cm in length, may be interpreted as “*bladed weapons and in general those with sharp or cutting blades that are not prohibited*” for the following reasons:

The definition provided by the Dictionary of the Spanish Language (published by the Royal Spanish Academy, Spain’s leading linguistic authority) describes scissors as: “An instrument composed of two steel blades, shaped like single-edged knives, typically with loops at the end of each handle to accommodate fingers. These blades can pivot around an axis, allowing them to cut objects placed between them when closed.”

Based on this definition, we can refer to Article 2.7 of the Royal Decree 137/1993, of January 29, 1993, which defines “bladed weapons” as “*a weapon consisting of a metallic blade or another material with similar physical properties, cutting or piercing*.”

From this, it can be inferred that scissors, due to their sharp metallic blades, could fall under the category of bladed weapons and thus be subject to the provisions of the Weapons Regulation. However, it is important to note that the term “scissor(s)” is not explicitly mentioned in the Weapons Regulation. Additionally, the Weapons Regulation does not provide specific criteria (e.g., blade length or width) to determine when scissors might be classified as bladed weapons.

The only explicit mention of scissors in Spanish legislation is found in the Resolution of January 17, 2024, issued by the General Secretariat for Air and Maritime Transport, which updates the public Section of the National Civil Aviation Security Program. Section (c) of Annex D includes a list of sharp-pointed or cutting-edge objects that can be used to cause serious injuries, which are prohibited to be carried in security-restricted areas at airports and onboard of aircrafts, including, but not limited to the following objects:

* Tools designed for cutting, such as axes, hatchets, and cleavers
* Ice picks and chisels
* Razor blades and straight razors
* Box cutters
* Knives and pocket knives with blades exceeding 6 cm in length
* Scissors with blades exceeding 6 cm measured from the axis
* Pointed or edged martial arts equipment
* Swords and sabers

According to this provision, scissors with blades exceeding 6 cm, measured from the axis, are classified as “prohibited items”, notwithstanding the fact that it expressly establishes that the said list is not a *numerus clausus* and other sharp-pointed or sharp-edged objects may also be prohibited if considered capable of causing serious injuries.

In conclusion, while scissors could technically be considered bladed weapons under a broad interpretation of the Weapons Regulation, no explicit guidelines or restrictions regarding their dimensions are provided within the Weapons Regulation. Nevertheless, their classification as prohibited items in aviation security is clear when their blades exceed 6 cm in length.

In addition, according to Article 5 of the Weapons Regulation, knives or machetes and other bladed weapons used by military units or imitations thereof that are part of armaments duly approved by competent authorities or organizations require the presentation of the document accrediting the position or capacity of the persons authorized to the acquisition, possession and use of such 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)?*

Article 146 of the Weapons Regulation establishes that it is prohibited to carry, exhibit and use any kind of bladed weapons, which are considered regulated weapons, outside the home, the workplace or sporting activities.

Bladed weapons may only be carried, exhibited or used in public, provided that they are not considered prohibited weapons, in accordance with Article 147 of the Weapons Regulation:

*“It is prohibited to carry, exhibit or use weapons:*

*(a) Without necessity or in a negligent or reckless manner.*

*b) While wearing helmets or headphones connected to sound receiving or reproducing devices.*

*c) Under the influence of alcoholic beverages, narcotics, psychotropic drugs, stimulants or other analogous substances.”*

Therefore, bladed weapons, which are considered regulated weapons, must be transported in public in a properly guarded manner, except in cases where their use is necessary, e.g. for work or for sporting activities.

However, “*it is left to the prudent criterion of the authorities and their agents to assess whether or not the bearer of the weapons has the need to carry them, depending on the occasion, moment or circumstance, especially if they are weapons covered by B licenses, for security reasons*”. Therefore, it will be at the discretion of the authorities to determine in each situation whether a bladed weapon is being transported legally or illegally, which causes clear legal uncertainty.

Therefore, it will be at the discretion of the authorities to determine in each situation whether a bladed weapon is being transported legally or illegally, which causes clear legal uncertainty.

*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)?*

As established in Article 149 of the Weapons Regulation, bladed weapons, which are considered regulated weapons, may only be transported in public, e.g. on urban roads and public places, either disassembled or in their cases or holsters, during the journey from the places where they are usually kept or deposited to the places where the duly authorized activities of use are carried out.

*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.)?*

Although there will be specific regulations in each case that may modify the general rule, being able to add cases in which the fact of carrying, exhibiting or using bladed weapons, which are considered regulated weapons, in public will be considered unlawful, it will always be considered as a general rule unlawful the fact of carrying, exhibiting or using weapons when attending public establishments and places of assembly, concentration, recreation or entertainment, as well as, in any case, by those who have been convicted for a crime or misdemeanor against persons or property or for improper use of weapons or that have been sanctioned for violating the Weapons Regulation.

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



The knife blade shall be measured from the edge of the handle to the end of the blade.

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

According to Article 3 of the Weapons Regulation, the following objects are considered regulated weapons:

1. Short firearms: includes pistols and revolver
2. Long firearms for surveillance and guarding
3. Long rifled firearm
4. Rifled long firearms for sporting type, of 5.6 millimeter caliber (22 American), of annular percussion, either single shot, repeating or semi-automatic
5. Shotguns and other long firearms with smooth bore, or with rifled barrels to facilitate lead shot, which have been marked with a hunting shotgun punch by recognized test benches, not included among the weapons of war
6. Weapons powered by air or other compressed gas, whether smooth or rifled, provided that the kinetic energy of the projectile in the muzzle exceeds 24.2 joules
7. Carbines and pistols, semiautomatic and repeating; and double-action revolvers, operated by air or other compressed gas, not assimilated to shotguns
8. Carbines and pistols, smooth bore or rifled, and single shot, and single-action revolvers, operated by air or other compressed gas not assimilated to shotguns
9. Bladed weapons and in general those of sharp or cutting blade not prohibited
10. Knives or machetes used by military units or imitations thereof
11. Antique or historical firearms, their reproductions and assimilated, conserved in museums authorized by the Ministry of Defense, if they depend on any of the three Armies, and by the Ministry of the Interior, in the remaining cases
12. The firearms whose model or whose year of manufacture is prior to January 1, 1890, and the reproductions and replicas of the same, unless they can fire ammunition destined to weapons of war or prohibited weapons
13. The remaining firearms that are preserved due to their historical or artistic character, in compliance with the provisions of Articles 107 and 108 of the present Weapons Regulation
14. In general, muzzle-loading firearms
15. Weapons of anesthetic injection capable of launching projectiles that facilitate the capture or control of animals, anesthetizing them at a distance for some time
16. Crossbows
17. Weapons for throwing ropes
18. The “Flobert” system weapons
19. The bows, the weapons to throw fishing lines and the spearguns of underwater fishing that serve to shoot arrows or harpoons, effective for the fishing and for other sport purposes
20. Alarm and signal weapons and flare guns
21. Acoustic and salvo weapons
22. Inoperable weapons

*1.7 Are there any exceptions?*

According to Article 5 of the Weapons Regulation, the advertisement, sale, possession, and use of personal defense sprays and all weapons that emit gases or aerosols, as well as any device with mechanisms capable of projecting narcotic, toxic, or corrosive substances, are prohibited, except for officials specifically authorized and in accordance with the applicable regulatory provisions.

Exception is made for personal defense sprays that, by virtue of the corresponding approval of the Ministry of Health, after a report from the Permanent Interministerial Commission on Weapons and Explosives, are considered permitted, in which case they may be sold in gun shops to persons who can prove their legal age by presenting their national identity card, passport or other documents that prove their identity.

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

Article 563 of the Spanish Criminal Code must be taken into account, which establishes that “*the* *possession of* prohibited *weapons and those resulting from the substantial modification of the manufacturing characteristics of regulated weapons shall be punished with a prison sentence of one to three years*”.

In cases that are not considered crimes, the penalties may be the following, as the same are provided for in Article 156 of the Weapons Regulation:

The manufacture, repair, storage, distribution and trade of prohibited weapons or regulated weapons without authorization, which are bladed weapons, shall be penalized with fines of € 300.51 to € 30,050.61, closure of the factories, premises and establishments for up to six months and seizure of the instruments or items used for the commission of the infraction.

Carrying bladed weapons in public establishments and places of assembly, concentration, recreation or entertainment, except in places authorized for their use is punished with fines of € 300.51 to € 450.76, seizure of the weapons and, if applicable, withdrawal of the corresponding licenses or permits.

Further, carrying bladed weapons without adopting the necessary measures or precautions so as not to cause danger, damage, harm or inconvenience to third parties or their property, or contravening the prohibitions established in Article 146 of the Weapons Regulation, is punished with fines of € 300.51 to € 601.01, seizure of the weapons and, if applicable, withdrawal of the corresponding licenses or authorizations.

Likewise, according to Article 18 of Organic Law 4/2015, of March 30, on the Protection of Citizen Security, regarding checks and searches in public places, the agents of the authority may proceed to the temporary occupation of any objects, instruments or means of aggression, including weapons carried with license, permit or authorization if deemed necessary, in order to prevent the commission of any crime, or when there is danger to the safety of persons or property.

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

To the best of our knowledge, we are not aware of any upcoming changes to the Weapons Regulation. Also, it is important to mention that future restrictions could expand depending on evolving security protocols or additional measures enacted by the competent authorities.

# 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?*

Whereas it is true that the general regulatory framework governing aviation security in Spain are the regulations established at EU level, we consider it appropriate to take into consideration the Spanish Law 21/2003, of July 7, 2003, on Aviation Safety, which transposes the European regulations in this area.

Furthermore, we must also consider the Resolution of January 17, 2024, issued by the General Secretariat for Air and Maritime Transport, approving the update of the public Section of the National Civil Aviation Security Program.

As per Chapter 3, Article 4.4, Section 4.4.1 of the Resolution, knives and other dangerous items cannot be introduced into security-restricted areas at airports, defined as airport zones subject to security controls, including areas accessible to screened passengers and baggage storage zones, and onboard of aircrafts. These measures are part of the National Civil Aviation Security Program to ensure safety in regulated areas at airports and during flights.

On Section (c) “Sharp-Pointed or Cutting-Edge Objects” of Annex D, the Resolution includes a list of sharp-pointed or sharp-edged objects which are prohibited to be carried in security-restricted areas at airports and onboard of aircrafts, notwithstanding the fact that it expressly establishes that the said list is not a *numerus clausus* and other sharp-pointed or sharp-edged objects may also be prohibited if considered capable of causing serious injuries.

Thus, by virtue of Annex D, Section (c) of the Resolution, the following items shall always be understood as prohibited sharp-pointed or cutting-edge objects:

* Articles designed for cutting, such as axes, hatchets and cleavers
* Ice picks and ice pick-axes
* Razors and razor blades
* Cutters
* Knives and razors with blades of a length superior to 6 cm
* Swords and sabers
* Scissors whose blades exceed 6 cm in length from the axis
* Ski and hiking poles
* Sharp or cutting martial arts equipment

Section (d) of Annex D further establishes that also saws are prohibited with reference to the work tools that are prohibited to be carried in security-restricted areas at airports and onboard of aircrafts:

* crowbars
* drills and drill bits, including cordless portable drills
* tools with a blade or shaft longer than 6 cm that can be used as a weapon, such as screwdrivers and chisel
* saws, including cordless portable power saws
* blowtorches
* nail guns and staplers

It must also be noted that the Resolution eliminated the Sections “4.6.1 Authorized possession of weapons in the passenger cabin” and “4.6.2 Authorized transportation of weapons and objects that could be used as offensive instruments in areas not open to public access.” These provisions were previously allowed under the earlier sectoral regulation, the Resolution of July 16, 2012, issued by the same Secretariat. This change reflects an updated approach to aviation security, prioritizing stricter control measures by removing exceptions for weapon possession and transport in security-restricted areas and onboard of aircrafts .

Also relevant for these purposes is Article 1.6 of Chapter 1 “Airport Security” of the Resolution which provides:

*“1.6 Prohibited Items.*

*1.6.1. Persons other than passengers may not bring into the security restricted areas the items listed in Attachment A.*

*1.6.2 The airport Security Office may allow access to the restricted area to personnel carrying prohibited items listed in Attachment A when required to perform tasks essential to the operation of the airport facilities or the aircraft or to fulfill in-flight obligations.*

*1.6.3 Persons authorized to carry one or more items listed in Attachment A shall be responsible for keeping such items under control, and shall either leave the restricted area by carrying them back or may store them in the security restricted areas, provided they are kept in a secure condition (in offices with locking devices or in guarded or monitored facilities).*

*Persons using the items specified in points c), d) and e) of Annex D must keep them safe and prevent them from being accessible to passengers. They may also store said items in restricted security areas, provided that they are not accessible to passengers.”*

* + 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?*

The present question will be answered in accordance with the provisions of the Resolution of January 17, 2024, issued by the General Secretariat for Air and Maritime Transport.

On the one hand, airlines are not competent to issue stricter regulations for prohibited items, since Chapter 3 of the Resolution, in its provision 3.0.6. expressly states that the list of prohibited items for onboard security searches shall be the same as the list of prohibited items established in the Regulation. Thus, this provision excludes the possibility for airlines to establish stricter regulations on prohibited Articles by establishing precisely the following:

*“CHAPTER 3. Aircraft Safety*

*3.0 General Provisions*

*[…]*

*3.0.6 The list of prohibited items for aircraft security searches conducted inside the aircraft is the same as that contained in Attachment A. Assembled explosive and incendiary devices shall be considered prohibited items for aircraft security searches conducted on the exterior of aircraft.”*

On the other hand, with regard to airports, in accordance with Chapter 2 of the Resolution, they have the authority to establish a more exhaustive list of prohibited items than the one in the Regulation only if the competent authority, in this case AENA (“*Aeropuertos Españoles y Navegación Aérea”),* authorizes it after evaluating the existing circumstances. So, at the end, who is truly competent to do so is AENA, as stated in Chapter 2:

*“CHAPTER 2. Alternative Security Measures*

*2.0 General Provisions.*

*[…]*

*2.2 Risk assessment for the adoption of alternative security measures.*

*The airport or demarcated area(s) of an airport where traffic is limited to one or more of the categories described in Section 2.1 may apply alternative measures other than the common basic standards.*

*These alternative measures may be adopted based on the result of the risk assessment carried out by the competent Authority (or, failing that, based on the risk analysis carried out at local level and approved by the competent Authority), and the measures that ensure the separation of the demarcated areas from the security restricted zone, where appropriate.*

*Risks are assessed based on:*

*– location of the airport,*

*– size of the aircraft or its nature,*

*– scope or frequency of operations,*

*– dimensions of the airport (including runway length),*

*– avoidance of mixing with people subject to security control,*

*– number of people working at those airports,*

*– number of accesses, or*

*– other relevant characteristics.”*

Notwithstanding this, we are not aware of AENA having exercised its authority to date, as the list of prohibited items issued by AENA aligns exactly with the list established under the applicable legislation. However, in the future, AENA may choose to expand the list of prohibited items provided for in the regulations, as it holds the authority to do so.

Without prejudice to this, we are not aware of AENA having exercised its competence up to now, since the list of prohibited articles issued by AENA coincides exactly with the list of prohibited articles established by the legislation. Notwithstanding, in the future AENA could extend the list of prohibited articles established by the regulations, as it has the authority to do so.

* 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?*

Under Section (c) “Sharp-Pointed or Cutting-Edge Objects” of Annex D of the Resolution of January 17, 2024, issued by the General Secretariat for Air and Maritime Transport, scissors could, in principle, be included in a pocket knife if its blade is shorter than 6 cm. However, if, at the discretion of the authority, it is deemed capable of causing serious injuries depending on the specific circumstances (e.g. purpose, place and time of use, or physical state of the bearer), it could still be considered a prohibited item by the authorities, even if their blades do not exceed 6 cm in length, and therefore requisitioned by the authorities. Specifically, the respective provision states:

“ANNEX D: PASSENGERS AND HAND LUGGAGE. LIST OF PROHIBITED ITEMS

Passengers shall not be permitted to carry or bring into security restricted areas or on board an aircraft the following items:

[…]

c) Sharp-pointed or cutting-edge objects.

Objects with a sharp point or cutting edge that can be used to cause serious injury, including:

* Tools designed for cutting, such as axes, hatchets, and cleavers;
* Ice picks and chisels;
* Razor blades and straight razors;
* Box cutters;
* Knives and pocket knives with blades exceeding 6 cm in length;
* Scissors with blades exceeding 6 cm measured from the axis,
* Pointed or edged martial arts equipment;
* Swords and sabers.

Regarding the possibility of including a saw shorter than 6 cm in a pocket knife, this appears to be prohibited, as Annex D Section (D) explicitly bans the transport of any type of saw, without specifying a minimum length for prohibition on board. Specifically, the respective provision states:

*“ANNEX D: PASSENGERS AND HAND LUGGAGE. LIST OF PROHIBITED ITEMS*

*Passengers shall not be permitted to carry or bring into security restricted areas or on board an aircraft the following items:*

*[…]*

*(d) Work tools.*

*Tools that may be used either to cause serious injury or to threaten the safety of the aircraft, including:*

* *crowbars,*
* *drills and drill bits, including cordless hand-held electric drills,*
* *tools with a blade or shaft longer than 6 cm that may be used as a weapon, such as screwdrivers and chisels,*
* *saws, including cordless hand-held electric saws,*
* *blowtorches, and*
* *fixed-shot guns and staple guns.”*
  1. *What is considered as a sharp object besides knives?*

As previously mentioned, besides knives, according to the Sections (c) *“Sharp-Pointed or Cutting-Edge Objects”* and (d) “*Work Tools*” of the Annex D (Passengers and Hand Luggage: List of Prohibited Items) of the Resolution of January 17, 2024, issued by the General Secretariat for Air and Maritime Transport, objects with a sharp point or cutting edge that can be used to cause serious injury, as well as tools that could either be used to cause serious injury or threaten the safety of the aircraft, are considered prohibited items. Therefore, they are forbidden from being carried or brought into security-restricted areas at airports or onboard of aircraft by passengers.

These sharp objects are:

*"Without prejudice to the applicable security regulations, passengers are prohibited from carrying or bringing the following items into security-restricted areas or onboard an aircraft:*

*[…]*

*c) Sharp-pointed or cutting-edge objects.*

*Objects with a sharp point or cutting edge that can be used to cause serious injury, including:*

* *Tools designed for cutting, such as axes, hatchets, and cleavers;*
* *Ice picks and chisels;*
* *Razor blades and straight razors;*
* *Box cutters;*
* *Knives and pocket knives with blades exceeding 6 cm in length;*
* *Scissors with blades exceeding 6 cm measured from the axis,*
* *Pointed or edged martial arts equipment;*
* *Swords and sabers.*

*(d) Work tools.*

*Tools that may be used either to cause serious injury or to threaten the safety of the aircraft, including:*

* *crowbars,*
* *drills and drill bits, including cordless hand-held electric drills,*
* *tools with a blade or shaft longer than 6 cm that may be used as a weapon, such as screwdrivers and chisels,*
* *saws, including cordless hand-held electric saws,*
* *blowtorches, and*
* *fixed-shot guns and staple guns*

*[…]*

*Security personnel may confiscate any item not listed above that raises suspicion regarding access to security-restricted areas.”*

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

To the best of our knowledge, we are not aware of any further regulations regarding Victorinox knives to be observed.

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

To the best of our knowledge, we are not aware of any changes to the regulations in the near future.

Ibach, Switzerland, 13 January 2025

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