**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**ITALY**

# Weapons Act

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

According to the Penal Code (Codice Penale), the Consolidated Law on Public Security (TULPS Testo Unico Leggi Pubblica Sicurezza) and Law no. 110 of April 18, 1975, there is a main distinction between two types of weapons: "proper weapons” (“armi comuni” o “proprie”) and "improper weapons” (“armi improprie”).

Proper Weapons are - in addition to firearms and explosives - those weapons which have been created for the purpose of harming someone.

Improper Weapons are those instruments which, depending of the circumstances of their use, could be used to harm someone (for instance: a kitchen knife, a baseball bat, etc.). The qualification of “Improper Weapons” is therefore based on the actual /potential use of the specific instrument in a specific situation.

As far as knives are concerned:

1. those having a sharp point, a double sharp blade and the possibility of blocking the blade (in the case of flick knives or switchblades) fall under the qualification of Proper Weapons according to certain principles and definitions provided by the Case Law and can therefore be considered technically and legally as “weapons”;
2. all other knives which do not fall within the category of Proper Weapons under para a) above, and similarly scissors, may be considered as Improper Weapons depending on their manner of 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)?*

Proper Weapons: the simple ownership and carrying is subject to a specific permit to be issued by the Police Authorities. Transportation is forbidden except as provided in the relevant permit.

Improper weapons: carrying and/or transporting is evaluated from time to time according to a criteria of justified reason considering the specific use they are intended to (e.g. for fishing, mountain excursions, etc.).

Justified reason is thus the criterion that can justify the possession of an instrument that qualifies as an improper weapon, outside one's home. A justifiable reason may be, for example, work, study or sports needs.

According to Article 4 of Law No. 110 of April 18, 1975, in fact, “[...] Without a justified reason, one may not take outside one's home or the belongings thereof, sticks with a sharp point, pointing or cutting instruments capable of offending, clubs, pipes, chains, slingshots, bolts, metal balls, as well as any other instrument not expressly considered as a pointing or cutting weapon, clearly usable, due to the circumstances of time and place, to harm a person [...].”

On the subject of multi-purpose knives, for example, the Supreme Court of Cassation has specified that even “the small multi-purpose knife must be considered an instrument that can be taken out of one's home only with a justified reason” (Sent. no. 18338/2014).

*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)?*

Proper Weapons: must be carried or transported ensuring proper and a safe custody and avoiding an easy access and use.

Improper Weapons: no specific requirements safe for application of due care.

*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.)?*

Yes, the law expressly prohibits the carrying of weapons of any kind (both proper and improper) at public gatherings. A “public gathering” is any event where two or more persons meet in a place open to the public.

Moreover, in certain public places (such as schools, hospitals, archaeological sites, government buildings, and nature reserves), there may be an absolute ban on the introduction of knives or offensive objects in the internal regulations, regardless of the existence of a justified reason.

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



There is no specific national legislation in this regard.

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

In theory any object which can be used in order to cause bodily harm to a person may fall within the definition of Improper Weapon.

Law of April 18, 1975 No. 110, Article 4, paragraph 2, provides a list of objects which may be considered as Improper Weapons such as: “sticks with sharp points, pointed or cutting instruments which are able of hurting, clubs, pipes, chains, slings, bolts, metal balls, as well as any other instrument not expressly considered as a pointed or cutting weapon, clearly usable, for the circumstances of time and place, to harm a person”.

*1.7 Are there any exceptions?*

Improper Weapons where used for their intended purpose (for instance a kitchen knife).

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

In the case of possession of weapons (proper or improper, if, due to the circumstances of time and place, they can be used to harm a person) outside one's own home and without justification or permits, *"the offender is punished with imprisonment from one to three years and a fine from € 1,000 to € 10,000"* (Article 4 paragraph 3 of Law 110 of 18 April 1975). As an extenuating circumstance: *"in less serious cases, referring only to the carrying of offensive objects, only a fine can be imposed".* As an aggravating circumstance: *"The penalty is increased if the offense occurs during or on the occasion of sports events"* (Article 4 paragraph 3 of Law 110 of 18 April 1975).

Another specific criminal offense refers to carrying a weapon in a “public gathering” (see para. 1.4. above). In this case sanctions could vary, depending on the specific circumstances, with imprisonment from two to six years and with a fine from € 3.000 and € 20.000. In particular, as to the possession of Improper Weapons during a public gathering, the offender is punished with *“imprisonment from one to three years and a fine from € 2.000 to € 20.000”* (Article 4 paragraph 5 of Law 110 of 18 April 1975).

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

At present, we are not aware of plans to change the current legal framework.

# 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?*

No, in Italy the reference legislation is dictated by EC Regulation 300/2008 and EU Regulation 2015/1998.

In particular, pursuant to the provisions of Article 10 of EC Regulation 300/2008 and 4.0.1 of EU Regulation 2015/1998, the implementation of common basic standards for aviation security is delegated to individual Member States.

In accordance with these European provisions, the Ente Nazionale per l'Aviazione Civile (i.e. "ENAC") the Italian regulatory authority that ensures the safety of flights and passengers has implemented a "National Program for Civil Aviation Safety".

This document is not accessible, as it is reserved for those working in the sector. However, representatives of ENAC unofficially contacted by us confirmed that this "Program" embodies the European rule that blades longer than 6 cm and all other objects mentioned in Attachment 4-C of Reg. 2015/1998 may not be carried on board of aircrafts and in airport security areas.

* + 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?*

Article 6 of EC Regulation 300/2008 provides that member states may apply stricter measures (see paragraph 2.1.1. above). With regard to airport/airlines it is advisable to check the detailed safety plans of individual operators, with particular regard to airlines ("list of prohibited in the cabin" usually available on the relevant websites).

* 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 regulations do not make distinctions and/or impediments with regard to the presence of more than one blade in the same instrument.

In the case of scissors, the provision under letter (c) of Attachment 4-C of EU Reg. 2015/1998 is applicable and therefore scissors with blades of up to 6 cm (measured from the fulcrum to the tip) are allowed.

The provision concerning saws, however, pursuant to the subsequent letter (d) of Attachment 4-C of EU Reg. 2015/1998, places a ban on carrying *“saws, including cordless portable power saws”* in carry-on baggage without any distinction in terms of the length of the saw.

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

According to the above-mentioned European Regulations, all objects having*: ”a sharp point or a sharp edge capable of being used to cause serious injury, including: items designed for chopping, such as axes, hatchets and cleavers; ice axes and ice picks; razor blades; box cutters, knives with blades of more than 6 cm; scissors with blades of more than 6 cm measured from the fulcrum; martial arts equipment with a sharp point or sharp edge; swords and sabres”* (Attachment 4-C: List of prohibited articles for passengers and cabin baggage, letter (c) “objects with a sharp point or edge”; Regulation (UE) 2015/1998).

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

No, not to our knowledge.

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

At present, we are not aware of plans to change the current legal framework.

Ibach, Switzerland, 18 December 2024

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