**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**LUXEMBOURG**

# Weapons Act

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

The Luxembourg law of 2 February 2022 on arms and ammunition (transposing the Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons and repealing the Luxembourg law of 15 March 1983 on arms and ammunition) (the “**Weapons Law**”) applies as follows:

|  |  |  |
| --- | --- | --- |
| Prohibited | Subject to authorization | Authorized |
| * bladed weapons in a form that conceals their true nature; * butterfly knives, throwing knives, brass knuckles, Japanese flails, throwing stars; * knives with lock and flashing blade; * any bladed weapon which blade is 15 centimeters or less in length and is attached in the middle of the handle in a perpendicular position with respect to the latter, or which forms an angle of less than 135° or more than 225° with the handle; * any bladed weapon designed to be held by the insertion of one or more fingers into the handle, with the exception of scissors; * objects and substances which were not designed as weapons, but which have been transformed, altered, mixed or modified for use as weapons, and in respect of which it is clear from the actual circumstances, that the person who possesses, carries or transports them clearly intends to use them to use them for the purpose of threatening or physically injuring persons. | * swords, sabers, bayonets, halberds, daggers, dagger-knives, darts, head breakers, clubs/sledgehammers, saber-canes, and other bladed weapons with similar characteristics. | * all knives which do not fall within the “prohibited” and subject to authorization” categories; * pocket-knives being defined as “*any bladed weapon with a safety catch not fitted with a guard*”, the blade of which meets the following conditions:   + extends laterally from the handle;   + can only be pulled out of the handle with both hands;   + has only one cutting edge;   + is no longer than 9 cm;   + has a central width of at least 20% of its length; * multifunctional knives (i.e. Swiss knives) which blade meets the requirements of the pocket-knives; * knives without lock blade meeting the requirements of the pocket-knives, even if it can only be opened with a single hand; * knives with fixed blade no longer than 9 cm; * hunting knives (for holder of valid hunting permits). |

The “prohibited” and “subject to authorization” categories of knives under the Weapons Law are exhaustive. All knives which do not fall within the “prohibited” and “subject to authorization” categories are thus generally authorized.

Specific legislation applies as follows:

Pocket-knives and multifunctional knives with a lock blade are outside the scope of the Weapons Law and are thus authorized only if they meet the definition of the Weapons Law. Pocket-knives and multifunctional knives without a lock blade are outside the scope of the Weapons Law and are thus generally authorized.

Knives with lock blade are prohibited, unless they meet the definition of the Weapons Law for a pocket-knife. The Weapons Law further specifies that knives without a lock blade meeting the definition of the Weapons Law for a pocket-knife, also qualify as “pocket-knives” as defined by the Weapons Law and are thus authorized, even if such knives can only be opened with one hand (which differs from pocket-knives with a lock blade that are only authorized if both hands are required to pull the blade out of the handle). To the extent the Weapons Law generally authorizes knives without a lock blade, unless falling within the “prohibited” or “subject to authorization” categories, the purpose of this further clarification regarding pocket-knives without lock blades is to avoid any further discussions on the possibility for any such knives to fall within the “prohibited” or “subject to authorization” categories.

Knives with fixed blade are generally authorized by the Weapons Law, unless falling within the “prohibited” or “subject to authorization” categories. The Weapons Law further specifies that knives with fixed blade no longer than 9 cm qualifies as “pocket-knives” (as defined by the Weapons Law) and thus are authorized. This further clarification also seems to be superfluous, except to the extent that it avoids any discussions as to whether a certain knife with a fixed blade could qualify otherwise, e.g. as daggers (“subject to authorization”).

Hunting knives which are not defined in the Weapons Law benefit from a specific derogation for hunters with a valid permit to avoid them being subject to authorization

*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)?*

Prohibited knives may not be carried out or transported in a public space and no special authorization may be obtained in that respect or justification provided.

Knives subject to authorization may be imported, exported, acquired and transferred by persons of legal age for private, non-commercial purposes, and may be kept at their home or habitual residence. Such knives cannot be transported or carried out in public without a prior authorization at the exception of transport by the most direct route when they are taken into possession or relinquished, or for repair or maintenance.

Prohibited knives and knives subject to authorization which are used in the practice of a martial art or other sporting discipline by persons who are members of a sports club affiliated to an official sports federation approved by the Minister for Sport may be held at home or habitual residence without prior authorization. These knives may be transported in public without prior authorization but only on the most direct route between the home or usual place of residence and a place of training or competition in the martial art or other sporting discipline in question.

Authorized knives (as they fall out of the Weapons Law) can be freely carried out in public spaces subject to specific restrictions that may be issued by the police or public authorities (e.g. for certain major public gatherings).

*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 Weapons Law only imposes certain restrictions for the transport in public spaces of certain fire arms but not for knives.

*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.)?*

Knives (regardless of their category under point 1.1.) can be subject to additional restrictions imposed by the police or public authorities for certain events such as major public gatherings.

Additional contractual restrictions may be imposed for private places receiving public such as schools, football stadiums or event halls.

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



The Weapons Law specifies that only the cutting blade shall be taken into account when measuring the length of the blade.

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

Aside from knives, the Weapons Law also covers various categories of firearms and non-firearms (such as tasers and other weapons capable of launching projectiles).

As previously mentioned in relation to prohibited knives, the Weapons Law generally prohibits objects and substances which were not designed as weapons, but which have been transformed, altered, mixed or modified for use as weapons, and in respect of which it is clear from the actual circumstances, that the person who possesses, carries or transports them clearly intends to use them to use them for the purpose of threatening or physically injuring persons.

*1.7 Are there any exceptions?*

Weapons qualifying as prohibited under the Weapons Law can be authorized for specific operations which are intended (i) to form part of a collection or museum, (ii) for scientific, professional or educational purposes, or (iii) exclusively for export, import or transfer.

As previously mentioned, the knives qualifying as authorized in point 1.1. do not fall within the scope of the Weapons Law.

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

Depending on the offense, non-compliance with the Weapons Law can lead to criminal sanctions between 6 months and 8 years, and a fine between EUR 251 and EUR 500,000.

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

To the best of our knowledge, knives are not concerned by any contemplated legislative developments in Luxembourg.

# Airports

*2.1 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, aside from applicable EU regulations laying down detailed measures for the implementation of the common basic standards in aviation security and the Weapons Law, there is no other applicable laws or regulation to be considered in that respect in Luxembourg.

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

N/A

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

No. As the applicable rules for forbidden items come from the EU Commission Implementing Regulation 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security (as consolidated) (supplementing the Regulation (EC) No 300/2008 on common rules in the field of civil aviation security and as last amended by the Commission Implementing Regulation (EU) 2024/2108 of 29 July 2024) (the “**EU Basic Aviation Security Standards**”), airports and airlines are not allowed to adopt in Luxembourg stricter rules in relation to items forbidden into airport security restricted areas and on board an aircraft.

*2.3 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 EU Basic Aviation Security Standards provide that passengers are not permitted to carry namely the following articles into security restricted areas and on board an aircraft:

* objects with a sharp point or sharp edge capable of being used to cause serious injury, including:
  + knives with blades of more than 6 cm;
  + scissors with blades of more than 6 cm as measured from the fulcrum; and
* tools capable of being used either to cause serious injury or to threaten the safety of aircraft, including:
  + saws, including cordless portable power saws.

In view of the above, a pocket-knife may be allowed into airport security restricted areas and on board an aircraft if its blades and scissors’ blades are less than 6 cm and if it does not have a saw included.

*2.4 What is considered as a sharp object besides knives?*

In accordance with the EU Basic Aviation Security Standards, objects with a sharp point or sharp edge capable of being used to cause serious injury includes:

* 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 as measured from the fulcrum;
* martial arts equipment with a sharp point or sharp edge; and
* swords and sabres.

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

No. With respect to Victorinox (pocket) knives being allowed into airport security restricted areas and on board an aircraft, to the best of our knowledge the only applicable laws and regulations in Luxembourg are the Weapons Law and the EU Basic Aviation Security Standards.

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

To the best of our knowledge, no specific Luxembourg changes are contemplated in the near future with respect to aviation security standards which would be applicable to Victorinox (pocket) knives.

Luxembourg, 26 September 2024.

\* \* \*