**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**POLAND**

# Weapons Act

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

According to the Act on Weapons and Ammunition of 21 May 1999 as amended (hereinafter: the “**Weapons Act**”), only blades that are concealed in objects that do not appear as weapons are considered weapons, e.g. blades hidden in objects such as umbrellas or pens. Other types of blades and scissors in a pocket tool are not considered as weapons under the Weapons Act.

However, under the Criminal Code of 06 June 1997 as amended (hereinafter: the “**Criminal Code**”), the Code of Petty Offences of 20 May 1971 as amended (hereinafter: the “**Code of Petty Offences**”) and the Act on the safety of mass events of 20 March 2009 as amended (hereinafter: the “**Act on the safety of mass events**”), in certain circumstances (e.g. sport events, gatherings – please see paragraph 1.4), some knives can be considered as “dangerous objects”. This does not apply to every type of knife, for instance a small paper-knife without a sharp point is not considered as dangerous weapon.

*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)?*

Under the Weapons Act it is forbidden to carry or own blades that meet the definition of weapon (please see point 1.1. above). However, such weapon may be possessed on the basis of a weapon permit issued by the district police chief competent for the place of permanent residence of the person concerned or the seat of the entity concerned, and in the case of professional soldiers - on the basis of a permit issued by the competent chief of the Military Police branch.

As for the other knives - including lock knife, folding knife, fixed knife or any knife regardless of the blade length - there is no legal requirement to have a legitimate reason to carry or transport such knife in the public.  Possession of such items might be restricted in some public places (e.g. mass transport), as described further in point 1.4 below.

The Polish law restricts the possession of knives not on the basis of legitimate/justifiable reason for carrying/transporting a knife, but rather on the basis of circumstances, such as whether the knife is possessed at a mass event (for a more detailed description, please see paragraph 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)?*

This matter is not regulated by the Polish law. Local authorities may forbid possession of knives in public places, as described in point 1.4.(4) below.

*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, please find below a list of restrictions.

Code of Petty Offences:

1. It is a misdemeanor to possess knives or other dangerous objects in a public place when the circumstances of their possession indicate an intention to use them to commit a crime;
2. It is a misdemeanor to possess knives or other dangerous objects as a member of organized group of people traveling to a mass sports event (e.g. it is forbidden to carry such object in a coach traveling to a football match in different city).
3. It is a misdemeanor to possess a dangerous object when a person takes part in a gathering.

Under the Polish law, the “gathering” is defined as a (i) group of people (ii) located in an open space which is accessible to individuals not specified by name (e.g. public square) (iii) for the purpose of holding joint meetings or expressing a common position on public matters. The law does not provide for a minimum number of people that must gather in order to be referred to as a gathering. However, it seems that it should be a large number of people (according to some authors at least ten people).

1. Moreover, it is possible for the local authorities to introduce further restrictions, e.g. in Warsaw it is forbidden to carry objects which may cause harm to other passengers in mass transit vehicles and subway stations (e.g. sharp tools, objects with sharp edges). Breach of such regulations constitutes a misdemeanor.

Act on the Safety of Mass Events:

1. It is a crime to bring or possess dangerous objects at “mass event” (e.g. football match) - which is defined as an event at which the number of seats available is not less than 300, 500 or 1,000 - depending on the circumstances (i.e. the location and nature of the event).

According to the majority of case law, in order to be considered a "dangerous object", the object must pose similar threat to human health or life as (for example) a knife or a gun (depending on the crime).

When determining whether the object poses such threat, only the effects associated with the **normal, ordinary use of an object in criminal act** **against other person** (e.g. robbery, fight) must be taken into account. Such objects would be, for example, an axe, a broken bottle (but not a whole bottle, as it lacks sharp edges), a crowbar, a knuckle-duster, barbed wire, a metal pipe a paving slab, an amstaff dog.

Given the above, it seems that **scissors in a pocket tool should not be considered as dangerous object**. The normal use of scissors against other person does not pose a threat similar to a knife or a gun, as it can only result in minor, surface injuries. This interpretation was confirmed by the District Court in Warsaw, which ruled that the a nail file or scissors do not constitute a “dangerous weapon” (ruling dated 14 January 2014, case file no. III K 2924/06).

*Disclaimers: some courts use a broad interpretation of the term “dangerous weapon”, which takes into account the* ***specific / deliberate use*** *of the object. This interpretation could potentially mean that scissors in a pocket tool should be considered a dangerous weapon, since they have a possibility to harm a person similar to knife (e.g. when pointed at the eye). However, this interpretation is rejected by majority of the courts and legal literature, as it can result in almost any object being considered dangerous.*

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



As indicated in point (1.1), apart from blades concealed in objects that do not have the appearance of a weapon, knives are not weapons and therefore they are not subject to the Weapons Act regulations, including the regulations concerning the allowed length of the blade.

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

Under the Weapons Act, apart from blades that constitute weapons, the following objects are considered dangerous and are regarded as weapons:

I. firearms, including fighting, hunting, sporting, gas, alarm and signal weapons;

II. pneumatic weapons;

III. incapacitating gas throwers;

IV. tools and devices the use of which may endanger life or health:

(a) melee weapons in the form of:

- brass knuckles and nunchucks,

- batons having endings of heavy and hard material or having inserts of such material,

- batons made of wood or other hard and heavy material, which imitate a baseball bat,

(b) bladed weapons in the form of crossbows,

(c) objects designed to incapacitate persons by means of electric energy.

Please be advised that knives might be considered as dangerous objects under other regulations, such as the Criminal Code.

*1.7 Are there any exceptions?*

The Weapons Act does not stipulate any exceptions. The catalogue of weapons indicated in point (1.6) is closed, which means that all objects not indicated therein are not considered weapons.

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

Under the Code of Petty Offences:

* as for misdemeanors described in points 1.4.(1) and 1.4.(2) above, the penalties are: arrest (up to 30 days) or restriction of liberty (community works of one month) or a fine not less than PLN 3,000 (approx. EUR 660), up to PLN 5,000 (approx. EUR 1,100). Furthermore, such objects are subject to forfeiture, even if they are not the property of the perpetrator;
* as for misdemeanor described in point 1.4.(3), the penalties are: arrest up to 14 days or restriction of liberty (community work of one month) or fine up to PLN 5,000 (approx. EUR 1,100).
* as for misdemeanor described in point 1.4.(4), the penalties are: a fine up to PLN 500 (approx. EUR 100) or a reprimand.

Under the Criminal Code, as for the crime described in point 1.4.(5), the penalties are: a fine which amount depends on the perpetrator’s income (no less than PLN 1,800 - approx. EUR 400 and no more than PLN 360,000 - approx. EUR 80,000), restriction of liberty (i.a. community works up to 2 years) or imprisonment between 3 months and 5 years. Furthermore, the court may order the forfeiture of dangerous objects, even if they are not the property of the perpetrator. In case of conviction, the court will obligatorily impose a ban on entry to a mass event from 2 to 6 years.

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

There is a project of novelization of the Weapons Act, but it does not concern knives or similar objects.

As for knives legislation, there is an ongoing public debate about this issue, with many people stating that the current regulations are too liberal. The debate became more active in October 2024, after an article concerning recent knife-related crimes was published in the major Polish newspaper “Rzeczpospolita”. The article advocates a tightening of the right to possess a knife in a public place along the lines of the arrangements in England.

Currently, there is no proposed legislation to create zones prohibiting the possession of knives and similar tools in public places.

A draft of legislation was prepared in 2011 but it was not accepted by the Polish parliament. According to the draft, the definition of weapon should be expanded and cover all objects that have “nature of an offensive weapons”, with the exception of knives with a single working edge and a blade length of less than 8 centimeters. As a result, items such as large double-edged knives, machetes and bayonets would be banned.

The authors of the draft law did not intend to ban buying, selling and storing (at home) of knives (with blades longer than 8 centimeters), nor did they want it to be necessary to obtain a permit for such item.

Instead, they planned to penalize the possession of weapons in public places, which was to be punishable by a fine, restriction of freedom (community works) or imprisonment for up to two years. At the same time, some exceptions were proposed, e.g. for historical and reconstruction events, sport competitions or history lessons.

# 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, there are no further national regulations to be considered in this respect. The EU Commission implementing regulation of 5 November 2015 (2015/1998), laying down detailed measures for the implementation of the common basic standards on aviation security (hereinafter: the “EU Regulation”) shall apply.

* + 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?*

Yes, further restrictions may be introduced. For instance the Polish National Airlines LOT has introduced additional restrictions for guns, firearms and other devices that discharge projectiles. In addition to the items indicated in Regulation (EU) 2015/1998, LOT also prohibited other items such as hoverboards, some models of phones and laptops.

* 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 the EU Regulation, scissors with blades of max. 6 cm as measured from the fulcrum, may be included in a pocket knife with a blade of max. 6 cm. While maintaining this length, the item may be brought into security restricted areas and on board of an aircraft.

Regarding the saw, the literal wording of the provision of the EU Regulation indicates that the saws may not be brought by passengers into security restricted areas or on board aircraft. However, in my view this restriction refers to “typical” saws, not “mini” saws (one of the tools in the pocket knife).

If any disputes arise, it is possible to argue that the “mini saw” is a type of blade. Is such case, the length of the “saw” cannot be longer than 6 cm.

The above applies to hand luggage, while there are no restrictions on transporting knives, saws or scissors in the checked baggage.

Please be informed that, as indicated in point 2.2., airlines or airports may impose further restrictions.

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

Under the EU Regulation, all objects with a sharp point or 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;
* scissors with blades of more than 6 cm as measured from the fulcrum;
* martial arts equipment with a sharp point or sharp edge;
* swords and sabres.

The above applies to restrictions on carriage in hand luggage, while in checked baggage there are no restrictions on the above items.

Please be informed that, as indicated in point 2.2., airlines or airports may impose further restrictions.

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

No, it seems that there are no further national regulations to be considered in this respect.

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

Currently, there is no information about planned changes in this respect.

Ibach, Switzerland, 9 December 2024

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