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## **Federal Act on Weapons, Weapon Accessories and Ammunition (Weapons Act, WA)**

of 20 June 1997 (Status as of 14 December 2019)

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*The Federal Assembly of the Swiss Confederation,*

on the basis of Article 107 paragraph 1 and Article 118 paragraph 2 letter a of the Federal Constitution<sup>1,2</sup>

and having considered the Dispatch of the Federal Council dated 24 January 1996<sup>3</sup>,  
*decrees:*

### **Chapter 1    General Provisions**

#### **Section 1    Subject Matter, Scope of Application and Definitions**

**Art. 14**        Purpose and subject matter

<sup>1</sup> The purpose of this Act is to prevent the improper use of weapons, weapon components, weapon accessories, ammunition and ammunition components.

<sup>2</sup> It regulates the acquisition, bringing into Switzerland, export, storage, possession, carrying, transport, brokerage, manufacture of, and trade in:

- a.    weapons, essential or specially designed weapon components, and weapon accessories;
- b.    ammunition and ammunition components.

<sup>3</sup> The purpose of this Act is also to prevent the improper carrying of dangerous objects.

AS **1998** 2535

<sup>1</sup>    SR **101**

<sup>2</sup>    Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>3</sup>    BBl **1996** I 1053

<sup>4</sup>    Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

**Art. 2<sup>5</sup>** Scope of application

<sup>1</sup> This Act does not apply to the Swiss Army, the Federal Intelligence Service, the customs authorities or the police services. Nor does it apply to the military authorities, with the exception of Articles 32a<sup>bis</sup>, 32c and 32j.<sup>6</sup>

<sup>2</sup> Antique weapons are governed solely by Articles 27 and 28, and by the relevant criminal provisions of this Act. Antique weapons are defined as firearms that were manufactured before 1870, and cut, thrust or other weapons that were manufactured before 1900.

<sup>3</sup> This Act applies without prejudice to the provisions of federal hunting and military legislation.

**Art. 3** Right to acquire, possess and carry weapons

The right to acquire, possess and carry weapons in compliance with this Act is guaranteed.

**Art. 4<sup>7</sup>** Definitions

<sup>1</sup> Weapons are defined as:

- a. devices that allow projectiles to be fired by means of a propellant charge and that can be carried and operated by a single person, or objects that can be converted into such devices (firearms);
- b. devices that are intended to permanently endanger a person's health through the spraying or vaporisation of substances;
- c. knives whose blade can be opened by means of an automatic mechanism that requires the use of one hand only, butterfly knives, throwing knives, and daggers with a symmetrical blade;
- d. devices that are intended to injure a person, in particular knuckledusters, simple or spring batons, throwing stars and slingshots;
- e. electrical shock devices that can impair a person's power of resistance or permanently damage a person's health;
- f. compressed air and CO<sub>2</sub> weapons that develop a muzzle energy of at least 7.5 joules or that can be mistaken for real firearms due to their appearance;
- g. imitation, blank cartridge and airsoft weapons that can be mistaken for real firearms due to their appearance.

<sup>2</sup> Weapon accessories are defined as:

- a. silencers and their specially designed components;

<sup>5</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>6</sup> Amended by No I of the FA of 23 Dec. 2011, in force since 1 Jan. 2013 (AS 2012 4551 6775; BBl 2011 4555).

<sup>7</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

- b. laser and night vision devices, and their specially designed components;
- c. grenade launchers that are designed as an additional device for a firearm.

<sup>2bis</sup> High capacity loading devices are loading devices for semi-automatic centrefire weapons that have a capacity of:

- a. more than 20 rounds in the case of handguns;
- b. more than 10 rounds in the case of small firearms.<sup>8</sup>

<sup>2ter</sup> A Schengen state is a state bound by any of the Schengen Association Agreements. The Schengen Association Agreements are listed in the Annex.<sup>9</sup>

<sup>3</sup> The Federal Council decides which objects are essential or specially designed components of weapons and weapon accessories, and are therefore regulated by this Act.

<sup>4</sup> The Federal Council defines which compressed air, CO<sub>2</sub>, imitation, blank cartridge and airsoft weapons, knives, daggers, electrical shock devices, devices in accordance with paragraph 1 letter b, and slingshots are considered to be weapons.

<sup>5</sup> Ammunition is defined as firing material containing a propellant charge whose energy is transmitted onto a projectile by ignition in a firearm.

<sup>6</sup> Dangerous objects are defined as objects such as tools, household appliances and sports equipment that can be used to injure a person. Penknives, such as the Swiss Army pocket knife and similar products, are not considered to be dangerous objects.

## Section 2 General Bans and Restrictions

**Art. 5<sup>10</sup>** Bans relating to weapons, weapon components and weapon accessories

<sup>1</sup> The transfer, acquisition, brokerage for recipients in Switzerland, bringing into Switzerland and the possession of the following weapons are prohibited:

- a. automatic firearms and military launching devices for ammunition, for projectiles or for missiles that have an explosive effect, and their essential or specially designed components;
- b. automatic firearms modified to semi-automatic firearms, and their essential components; the foregoing does not apply to Swiss army firearms the own-

<sup>8</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS **2019** 2415; BBl **2018** 1881).

<sup>9</sup> Originally para. <sup>2bis</sup>. Inserted by No I of the FA of 11 Dec. 2009 (Adaptation of the Implementation of the Schengen Acquis), in force since 28 July 2010 (AS **2010** 2823; BBl **2009** 3649).

<sup>10</sup> Amended by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS **2019** 2415; BBl **2018** 1881).

ership of which is acquired by the holder directly from the military authorities, and to components essential for maintaining the functionality of such weapons;

- c. the following semi-automatic centrefire weapons:
    - 1. handguns equipped with a high-capacity loading device,
    - 2. small firearms equipped with a high-capacity loading device;
  - d. semi-automatic small firearms that may be shortened by means of a folding or telescopic shaft or without auxiliary means to a length of less than 60 cm, without losing any functionality;
  - e. firearms that resemble an article of everyday use and their essential components;
  - f. grenade launchers in accordance with Article 4 paragraph 2 letter c.
- <sup>2</sup> The transfer, acquisition, brokerage for recipients in Switzerland, bringing into Switzerland and the possession of the following weapons are prohibited:
- a. knives and daggers in accordance with Article 4 paragraph 1 letter c;
  - b. striking and throwing devices in accordance with Article 4 paragraph 1 letter d, with the exception of batons;
  - c. electrical shock devices in accordance with Article 4 paragraph 1 letter e;
  - d. weapon accessories.
- <sup>3</sup> Shooting with the following weapons is prohibited:
- a. automatic firearms;
  - b. military launching devices for ammunition, for projectiles or for missiles that have an explosive effect;
- <sup>4</sup> Shooting using firearms in publicly accessible places outside officially authorised shooting events or shooting ranges is prohibited.
- <sup>5</sup> Shooting using firearms in places not accessible to the public that have been appropriately protected, and shooting while hunting is permitted.
- <sup>6</sup> The cantons may authorise exceptions to the prohibitions in paragraphs 1-4.
- <sup>7</sup> The Central Office (Art. 31c) may authorise exceptions to the ban on bringing weapons into Switzerland.

**Art. 6<sup>11</sup>** Bans and restrictions relating to ammunition

<sup>1</sup> The Federal Council may prohibit or make subject to compliance with special conditions the acquisition, possession, manufacture and bringing into Switzerland of ammunition and ammunition components that are proven to potentially cause serious injury.

<sup>11</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>2</sup> Ammunition and ammunition components that are used at ordinary shooting events or for hunting are exempt.

**Art. 6a<sup>12</sup>** Inheritance

<sup>1</sup> Any person who acquires through inheritance weapons, essential or specially designed weapon components or weapon accessories that are prohibited under Article 5 paragraph 1 must apply for an exemption permit within six months.

<sup>2</sup> Foreign nationals who do not have a settlement permit but who are resident in Switzerland may only be granted an exemption permit for the acquisition of a weapon, an essential or specially designed weapon component or weapon accessory under Article 5 paragraph 1 if they submit an official attestation from their home country confirming that they are authorised to acquire such an object.

**Art. 6b<sup>13</sup>** Official attestation

<sup>1</sup> Persons who are resident abroad may only be granted an exemption permit for the acquisition of a weapon, an essential or specially designed weapon component or weapon accessory under Article 5 paragraph 1 if they submit an official attestation from their country of residence confirming that they are authorised to acquire such an object.<sup>14</sup>

<sup>2</sup> Where there is doubt as to the authenticity of the attestation or the person is not able to submit such an attestation, the canton shall forward the file to the Central Office. The Central Office shall examine the attestation or may issue one if appropriate.

**Art. 7<sup>15</sup>** Ban for nationals of certain states

<sup>1</sup> The Federal Council may prohibit the acquisition, possession, offering for acquisition, brokerage or transfer of weapons, essential or specially designed weapon components, weapon accessories, ammunition and ammunition components, and the carrying of and shooting with weapons by nationals of certain states:

- a. if there is considerable risk of improper use;
- b. in order to take into account resolutions by the international community or principles of Swiss foreign policy.

<sup>12</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin (AS 2008 447; BBl 2004 5965). Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>13</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS 2008 447 5405 Art. 1 let. e; BBl 2004 5965).

<sup>14</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>15</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>2</sup> The cantons may exceptionally allow persons referred to in paragraph 1 who participate in hunting or shooting events or who perform tasks relating to the protection of people or property to acquire, possess or carry a weapon, or to shoot.

**Art. 7a<sup>16</sup>** Implementation

<sup>1</sup> Persons subject to a ban under Article 7 paragraph 1 must register weapons, essential or specially designed weapon components, weapon accessories, ammunition and ammunition components with the competent authority in their canton of residence within two months of the ban coming into force.

<sup>2</sup> They may submit an application for an exemption permit within six months of the ban coming into force. Failing that, they must transfer possession of the objects to an authorised person within this deadline.

<sup>3</sup> If the application for an exemption permit is refused, the objects must be transferred to the possession of an authorised person within four months of the application being rejected: failing that, the objects will be confiscated.

**Art. 7b<sup>17</sup>** Prohibited forms of supply

<sup>1</sup> It is prohibited to offer weapons, essential or specially designed weapons components, weapon accessories, ammunition and ammunition components for acquisition if the competent authorities are unable to identify the supplier.

<sup>2</sup> It is prohibited to offer weapons, essential or specially designed weapon components, weapon accessories, ammunition and ammunition components for acquisition at public exhibitions and markets. Registered suppliers at public weapons trade fairs and authorised by the competent authority are exempt.

<sup>16</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBI 2006 2713).

<sup>17</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBI 2006 2713).

## Chapter 2 Acquisition and Possession of Weapons and Essential Weapon Components<sup>18</sup>

### Section 1 Acquisition of Weapons and Essential Weapon Components<sup>19</sup>

**Art. 8** Duty to obtain a weapon acquisition permit<sup>20</sup>

<sup>1</sup> Any person who wishes to acquire a weapon or essential weapon component requires a weapon acquisition permit.<sup>21</sup>

<sup>1bis</sup> Any person who applies for a weapon acquisition permit for a firearm that is not intended for use in sport, hunting or as a collector's item must provide the reason for its acquisition.<sup>22</sup>

<sup>2</sup> A weapon acquisition permit will not be issued to any person:

- a. who has not yet reached 18 years of age;
- b.<sup>23</sup> who is subject to a general deputyship or is represented through a care appointee;
- c. if there is reason to believe that they may use the weapon to harm themselves or others;
- d. who has a criminal record for an act that indicates a violent disposition or that presents a danger to public safety, or for repeated felonies or misdemeanours, as long as the criminal record entry has not been deleted.

<sup>2bis</sup> Any person who acquires firearms or essential weapon components through inheritance must apply for a weapon acquisition permit within six months unless the

<sup>18</sup> Amended by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBI **2004** 5965).

<sup>19</sup> Amended by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBI **2004** 5965).

<sup>20</sup> Amended by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBI **2004** 5965).

<sup>21</sup> Amended by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBI **2004** 5965).

<sup>22</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBI **2004** 5965).

<sup>23</sup> Amended by Annex No 17 of the FA of 19 Dec. 2008 (Adult protection, law of persons and law of children), in force since 1 Jan. 2013 (AS **2011** 725; BBI **2006** 7001).

objects are transferred to the possession of an authorised person within this deadline.<sup>24</sup>

3–5 ...<sup>25</sup>

**Art. 9<sup>26</sup>** Jurisdiction

<sup>1</sup> The weapon acquisition permit is issued by the competent authority in the canton of residence, or for persons who reside abroad by the competent authority in the canton in which the weapon is acquired.

<sup>2</sup> The authority shall obtain in advance an opinion from the cantonal authority in accordance with Article 6 of the Federal Act of 21 March 1997<sup>27</sup> on Measures to Safeguard Internal Security.

**Art. 9a<sup>28</sup>** Official attestation

<sup>1</sup> Persons resident abroad must present the cantonal authority with an official attestation from their country of residence confirming they are authorised to acquire the weapon or essential weapon component.

<sup>1bis</sup> Foreign nationals who do not have a settlement permit but who are resident in Switzerland must present the competent cantonal authority with an official attestation from their home country confirming they are authorised to acquire the weapon or essential weapon component in that country.<sup>29</sup>

<sup>2</sup> Where there is doubt as to the authenticity of the attestation or the person is not able to submit such an attestation, the canton shall forward the file to the Central Office. The Central Office shall examine the attestation or may issue one where appropriate.

<sup>24</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>25</sup> Repealed by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, with effect from 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>26</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>27</sup> SR **120**

<sup>28</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>29</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).



**Art. 9b<sup>30</sup>** Validity of the weapon acquisition permit

<sup>1</sup> The weapon acquisition permit is valid throughout Switzerland and authorises the holder to acquire a single weapon or a single essential weapon component.

<sup>2</sup> The Federal Council allows for exceptions regarding the replacement of essential weapon components for a legally authorised weapon, the acquisition of several weapons or essential weapon components by the same person, or acquisition through inheritance.

<sup>3</sup> The weapon acquisition permit is valid for six months. The competent authorities may extend its validity by a maximum of three months.

**Art. 9c<sup>31</sup>** Notification by the person transferring possession

Any person who transfers the possession of a weapon or an essential weapon component must send a copy of the weapon acquisition permit of the person acquiring the weapon or essential weapon component to the authority responsible for issuing weapon acquisition permits under Article 9 within 30 days of concluding the contract.

**Art. 10<sup>32</sup>** Exceptions to the duty to obtain a weapon acquisition permit

<sup>1</sup> A weapon acquisition permit is not required for acquiring the following weapons and their essential components:

- a. single-shot and multi-barrel hunting rifles, and replicas of single-shot muzzle loaders;
- b. manual repetition rifles designated by the Federal Council and typically used for off-duty and target shooting by shooting clubs recognised under the Armed Forces Act of 3 February 1995<sup>33</sup> and for hunting purposes in Switzerland;
- c. single-shot rabbit slayers;
- d. compressed air and CO<sup>2</sup> weapons that develop a muzzle energy of at least 7.5 joules or that can be mistaken for real firearms due to their appearance;

<sup>30</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>31</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>32</sup> Amended by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>33</sup> SR **510.10**

- e. imitation, blank cartridge and airsoft weapons that can be mistaken for real firearms due to their appearance.<sup>34</sup>

<sup>2</sup> The Federal Council may define other exceptions or restrict the scope of application of paragraph 1 for foreign nationals in Switzerland who do not have a settlement permit.

**Art. 10a**<sup>35</sup> Verification by the person transferring possession of a weapon

<sup>1</sup> Any person who transfers the possession of a weapon or an essential weapon component that does not require a weapon acquisition permit (Art. 10) must verify the identity and age of the person acquiring the weapon or essential weapon component by means of an official identity document.

<sup>2</sup> The possession of a weapon or essential weapon component may only be transferred if the person transferring possession may assume in the circumstances that there are no impediments for doing so under Article 8.

<sup>3</sup> Article 9a applies by analogy.

<sup>4</sup> The person transferring possession may ask the competent authority of the canton of residence of the person acquiring the weapon or weapon component whether there are any impediments to acquisition. This inquiry requires the written consent of the person acquiring the weapon or essential weapon component.<sup>36</sup>

**Art. 11**<sup>37</sup> Written contract

<sup>1</sup> A written contract must be concluded for transferring possession of any weapon or essential weapon component that does not require a weapon acquisition permit (Art. 10). Each contracting party must retain the contract for at least ten years.

<sup>2</sup> The contract must contain the following details:

- a. surname, first name, date of birth, home address and signature of the person who is transferring possession of the weapon or essential weapon component;
- b. surname, first name, date of birth, home address and signature of the person who is acquiring the weapon or essential weapon component;

<sup>34</sup> Amended by No 1 of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>35</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>36</sup> Inserted by No 1 of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>37</sup> Amended by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

- c.<sup>38</sup> type of weapon, manufacturer, model, calibre, weapon number and the date and place of transfer;
- d.<sup>39</sup> type and number of the official identity document of the person who is acquiring the weapon or essential weapon component, or a copy of the identity document where possession of the weapon is transferred;
- e.<sup>40</sup> a reference to the processing of personal data in connection with the contract in accordance with the data protection provisions of the Confederation or the cantons, provided that the possession of firearms is transferred.

<sup>3</sup> Any person who transfers possession of a firearm specified in Article 10 paragraphs 1 and 3<sup>41</sup> must send the reporting office (Art. 31b) a copy of the contract within 30 day of its conclusion. The cantons may make further provisions for other suitable forms of notification.<sup>42</sup>

<sup>4</sup> Any person who through inheritance acquires a firearm or essential weapon component specified in Article 10 must transmit to the reporting office the details specified in paragraph 2 letters a–d within six months if he or she does not transfer possession of the object to an authorised person within this deadline.<sup>43</sup>

<sup>5</sup> The reporting office of the canton of residence of the person acquiring the firearm is the competent authority. For persons resident abroad, the competent authority is the reporting office of the canton in which the firearm was acquired.

#### **Art. 11a**<sup>44</sup> Lending of sports weapons to minors

<sup>1</sup> A minor may borrow a sports weapon from their shooting club or their legal representative if they can prove that they regularly use this weapon for target shooting and if no impediment under Article 8 paragraph 2 letter b or c applies.

<sup>38</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>39</sup> Amended by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS 2019 2415; BBl 2018 1881).

<sup>40</sup> Inserted by No I of the FA of 22 June 2007 (AS 2008 5499; BBl 2006 2713). Amended by No 6 of the FA of 19 March 2010 on the Implementation of the Framework Decision 2008/977/JI on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, in force since 1 Dec. 2010 (AS 2010 3387 3417; BBl 2009 6749).

<sup>41</sup> Now: Art 10 para. 1 and 2.

<sup>42</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>43</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>44</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>2</sup> The legal representative must notify the reporting office in the minor's canton of residence about the loan of the weapon within 30 days. The reporting office may also be notified by the club that loaned the weapon providing that the legal representative has knowledge of this notification.

<sup>3</sup> The Federal Council regulates the details.

## Section 2

### Possession of Weapons and Essential Weapon Components<sup>45</sup>

#### Art. 12<sup>46</sup> Conditions

Any person who has lawfully acquired a weapon or an essential or specially designed weapon component is authorised to possess the same.

#### Art. 13 and 14<sup>47</sup>

## Chapter 3

### Acquisition and Possession of Ammunition and Ammunition Components<sup>48</sup>

#### Art. 15<sup>49</sup> Acquisition of ammunition and ammunition components

<sup>1</sup> Ammunition and ammunition components may only be acquired by persons who are authorised to acquire the corresponding weapon.

<sup>2</sup> The person transferring possession shall verify whether the conditions of acquisition are fulfilled. Article 10a applies by analogy to verification.

<sup>45</sup> Amended by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>46</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>47</sup> Repealed by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, with effect from 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>48</sup> Amended by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>49</sup> Amended by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

**Art. 16** Acquisition of ammunition at shooting events<sup>50</sup>

<sup>1</sup> Any person who participates in shooting events by shooting clubs may freely acquire the necessary ammunition for the event. The club organising the event shall appropriately monitor how the ammunition is issued.<sup>51</sup>

<sup>2</sup> Any person who has not yet reached the age of 18 may freely acquire ammunition if it is used for shooting immediately and under supervision.

<sup>3</sup> The provisions on off-duty shooting remain without prejudice.

**Art. 16a**<sup>52</sup> Lawful possession

Any person who has lawfully acquired ammunition or ammunition components is authorised to possess the same.

**Chapter 3a**<sup>53</sup>  
**Acquisition and Possession of High Capacity Loading Devices****Art. 16b** Acquisition of high capacity loading devices

<sup>1</sup> High capacity loading devices may only be acquired by persons who are authorised to acquire the corresponding weapon.

<sup>2</sup> The person transferring possession shall verify whether the acquisition requirements have been met.

**Art. 16c** Lawful possession

Any person who has lawfully acquired a high capacity loading device is authorised to possess the same.

<sup>50</sup> Amended by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS 2019 2415; BBl 2018 1881).

<sup>51</sup> Amended by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS 2008 447 5405 Art. 1 let. e; BBl 2004 5965).

<sup>52</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS 2008 447 5405 Art. 1 let. e; BBl 2004 5965).

<sup>53</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS 2019 2415; BBl 2018 1881).

## Chapter 4 Trade in and Manufacture of Weapons

### Section 1 Trade in Weapons

#### Art. 17<sup>54</sup>

<sup>1</sup> Any person who commercially acquires, offers for acquisition, passes on or brokers weapons, essential or specially designed weapon components, ammunition or ammunition components requires a weapons trading permit.

<sup>2</sup> A weapons trading permit is granted to a person who:

- a. is not subject to an impediment under Article 8 paragraph 2;
- b. is registered in the commercial register;
- c. in a test has shown themselves to possess adequate knowledge of the relevant weapons and ammunition, and the statutory provisions;
- d. has special commercial premises in which weapons, essential and specially designed weapon components, weapon accessories, ammunition and ammunition components can be kept securely;
- e. guarantees the proper conduct of their business affairs.

<sup>3</sup> Legal entities must designate a member of the management who is responsible within the company for all aspects concerning this Act.

<sup>4</sup> The Federal Department of Justice and Police issues the examination regulations and defines the minimum requirements for business premises.

<sup>5</sup> The weapons trading permit is issued by the competent authority of the canton in which the business establishment of the applicant is located. Branches located outside the canton require their own weapons trading permit.

<sup>6</sup> The Federal Council regulates the conditions for the participation of holders of foreign weapons trading permits in public weapons trade fairs.

<sup>7</sup> If a transfer of possession takes place between holders of a weapons trading permit, the person transferring possession must notify the competent authority of their canton of residence of the transfer of possession, in particular of the type and number of objects transferred, within 30 days of conclusion of the contract.

<sup>54</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

## Section 2    Manufacture of Weapons

**Art. 18<sup>55</sup>**        Commercial manufacture, repair and conversion

A weapons trading permit is required by any person who commercially:

- a. manufactures weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components;
- b. modifies weapon parts that are essential to its functioning or impact; or
- c. repairs or converts firearms, their essential or specially designed weapon components, weapon accessories, ammunition or ammunition components.

**Art. 18a<sup>56</sup>**        Marking of firearms

<sup>1</sup> Manufacturers of firearms and their essential components or accessories must mark these objects individually and clearly for the purpose of identification and traceability. Assembled firearms require the marking of an essential component only.<sup>57</sup>

<sup>2</sup> All firearms and their essential components and accessories brought into Switzerland must be marked individually and clearly.

<sup>3</sup> Markings must be applied in such a way that they cannot be removed or altered without mechanical effort.

<sup>4</sup> The Federal Council may make provision for unmarked firearms to be brought into Switzerland for a maximum of one year.

**Art. 18b<sup>58</sup>**        Marking of ammunition

<sup>1</sup> Manufacturers of ammunition must mark every elementary package of ammunition individually for the purpose of identification and traceability.

<sup>2</sup> Every elementary package of ammunition brought into Switzerland must be marked individually.

<sup>55</sup> Amended by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

<sup>56</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin (AS 2008 447; BBl 2004 5965). Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>57</sup> Amended by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

<sup>58</sup> Inserted by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

**Art. 19**<sup>59</sup> Non-commercial manufacture and conversion

<sup>1</sup> The non-commercial manufacture of weapons, essential components or specially designed weapon components, weapon accessories, ammunition and ammunition components, and the non-commercial conversion of objects into weapons as defined in Article 5 paragraphs 1 and 2 are prohibited.

<sup>2</sup> The non-commercial conversion of objects into weapons or essential weapon components other than those specified in Article 5 paragraph 1 requires a permit. Articles 8, 9, 9b paragraph 3, 9c, 10, 11 paragraphs 3 and 5 and Article 12 apply by analogy.

<sup>3</sup> The cantons may allow exceptions to the prohibitions in paragraph 1. The Federal Council shall define the conditions in more detail.

<sup>3</sup> Reloading ammunition for personal use is permitted.

**Art. 20**<sup>60</sup> Prohibited alteration

<sup>1</sup> It is prohibited to modify semi-automatic firearms into automatic firearms, alter or remove weapon numbers, and shorten small firearms.

<sup>2</sup> The cantons may allow exceptions. The Federal Council defines the conditions in more detail.

**Section 3 Maintaining Records and Duty of Disclosure****Art. 21**<sup>61</sup> Maintaining records and notification requirement<sup>62</sup>

<sup>1</sup> Holders of weapons trading permits are required to maintain records on the manufacture, modification, procurement, sale or other distribution of weapons, essential or specially designed weapon components, weapon accessories, ammunition and gunpowder, and on repairs that re-establish the shooting capability of firearms.

<sup>1bis</sup> They are required to give online notice within 20 days to the cantonal authority responsible for operating the information system (Art. 32a Abs. 2) of any procurement, sale or other distribution to an acquirer in Switzerland.<sup>63</sup>

<sup>59</sup> Amended by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS 2019 2415; BBl 2018 1881).

<sup>60</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>61</sup> Amended by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

<sup>62</sup> Amended by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 14 Dec. 2019 (AS 2019 2415; BBl 2018 1881).

<sup>63</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive



<sup>1</sup>ter The cantons shall designate an authority that accepts reports from holders of weapons trading permits of suspicious transactions involving ammunition or ammunition components.<sup>64</sup>

<sup>2</sup> The records and copies of the weapon acquisition permits and exemption permits (documents) must be retained for ten years.

<sup>3</sup> The documents must be submitted to the cantonal authority responsible for operating the information system (Art. 32a para. 2):

- a. on expiry of the retention period;
- b. on giving up the trade; or
- c. on revocation or withdrawal of the weapons trading permit.

<sup>4</sup> The competent authority shall retain the documents for 20 years and on application grant access to the law enforcement services and judicial authorities of the cantons and the Confederation for the purpose of fulfilling their statutory duties.

#### **Art. 22** Duty of disclosure

Holders of weapons trading permits and their employees are required to disclose to the supervisory authorities all information necessary for proper control.

## **Chapter 5 Foreign Transactions<sup>65</sup>**

### **Art. 22a<sup>66</sup>** Export, transit, brokerage and trade

<sup>1</sup> The export, transit, brokerage to recipients abroad, and trade abroad from Switzerland of weapons, weapon components, weapon accessories, ammunition and ammunition components are governed by:

- a. the legislation on war materials if the goods are covered by this legislation;
- b. the legislation on goods control if the goods are not covered by the legislation on war materials.

<sup>2</sup> Articles 22b, 23, 25a and 25b remain without prejudice.<sup>67</sup>

(EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 14 Dec. 2019 (AS 2019 2415; BBl 2018 1881).

<sup>64</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 14 Dec. 2019 (AS 2019 2415; BBl 2018 1881).

<sup>65</sup> Originally before Art. 23. Amended by No I 1 of the FA of 22 June 2001 on the Streamlining of Federal Legislation on Weapons, War Material, Explosives and Goods Usable for Civilian and Military Purposes, in force since 1 March 2002 (AS 2002 248; BBl 2000 3369).

<sup>66</sup> Inserted by No I 1 of the FA of 22 June 2001 on the Streamlining of Federal Legislation on Weapons, War Material, Explosives and Goods Usable for Civilian and Military Purposes, in force since 1 March 2002 (AS 2002 248; BBl 2000 3369).

<sup>67</sup> Amended by Art. 3 No 6 of the FD of 17. Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with

**Art. 22b<sup>68</sup>** Accompanying document

<sup>1</sup> Any person who wishes to export firearms, their essential components or ammunition to a Schengen state requires an accompanying document from the Central Office.

<sup>2</sup> An accompanying document is not required if a person wishes to export to a Schengen state firearms, their essential components or ammunition that are also governed by legislation on war materials.

<sup>3</sup> An accompanying document is not issued if the end recipient is not authorised under the law of the country of destination to possess the firearms, the essential components or the ammunition.

<sup>4</sup> The accompanying document contains all the relevant information on the transport of the firearms, the essential components or the ammunition to be exported, as well as the necessary information for identifying the persons involved. The document must accompany these objects to the place of destination.

<sup>5</sup> The Central Office shall transmit the available information to the competent authorities of the states concerned with the export of the firearms, the essential components or the ammunition.

**Art. 22c<sup>69</sup>** Control by the Federal Customs Administration

The Federal Customs Administration shall make spot checks to examine whether the information contained in the accompanying note corresponds to the firearms, the essential components or ammunition being exported.

**Art. 23** Notification requirement<sup>70</sup>

<sup>1</sup> Weapons, essential and specially designed weapon components, ammunition and ammunition components brought into Switzerland must be declared in accordance with the provisions of the Customs Act of 18 March 2005<sup>71,72</sup>

<sup>2</sup> The Federal Council defines the exceptions.

Schengen and Dublin, in force since 12 Dec. 2008 (AS **2008** 447 5405 Art. 1 let. e; BBl **2004** 5965).

<sup>68</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin (AS **2008** 447; BBl **2004** 5965). Amended by No I of the FA of 11 Dec. 2009 (Amendment to the Implementation of the Schengen acquis), in force since 28 July 2010 (AS **2010** 2823; BBl **2009** 3649).

<sup>69</sup> Inserted by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS **2010** 2899; BBl **2009** 3649).

<sup>70</sup> Amended by Annex No 6 of the Customs Act of 18 March 2005, in force since 1 May 2007 (AS **2007** 1411; BBl **2004** 567).

<sup>71</sup> SR **631.0**

<sup>72</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

**Art. 24<sup>73</sup>** Bringing weapons into Switzerland on a commercial basis

<sup>1</sup> Any person who wishes to bring weapons, essential weapon components, ammunition or ammunition components into Switzerland on a commercial basis requires in addition to a weapons trading permit a permit in accordance with Articles 24a, 24b or 24c.

<sup>2</sup> The Federal Council may make exceptions to the permit requirement for bringing knives into Switzerland on a commercial basis.

<sup>3</sup> The Central Office issues the permit and limits its validity.

<sup>4</sup> The Central Office shall inform the competent cantonal authority of the permit holder's business location about the weapons, essential and specially designed weapon components, ammunition and ammunition components which have been commercially brought into Switzerland.

**Art. 24a<sup>74</sup>** Single-delivery permit

<sup>1</sup> Any person who wishes to bring a single delivery of weapons, essential weapon components, ammunition or ammunition components into Switzerland on a commercial basis requires a single-delivery permit; the weapons concerned must be clearly defined.

<sup>2</sup> Any person who has a single-delivery permit and has not given cause for complaint for one year in connection with bringing weapons, essential weapon components, ammunition or ammunition components into Switzerland may apply to have the single-delivery permit converted into a general permit in accordance with Article 24b or 24c.

**Art. 24b<sup>75</sup>** General permit for weapons other than firearms

Any person who wishes to bring weapons other than firearms, or ammunition and ammunition components into Switzerland on a regular commercial basis requires a general permit for weapons other than firearms.

**Art. 24c<sup>76</sup>** General permit for weapons, weapon components and ammunition

Any person who wishes to bring weapons, essential weapon components, ammunition or ammunition components into Switzerland on a regular commercial basis requires a general permit for weapons, weapon components and ammunition.

<sup>73</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>74</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>75</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>76</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

**Art. 25<sup>77</sup>** Bringing weapons into Switzerland on a non-commercial basis

<sup>1</sup> Any person who wishes to bring weapons, essential weapon components, ammunition or ammunition components into Switzerland on a non-commercial basis requires a permit. A permit is issued if the applicant is authorised to acquire the object in question.

<sup>2</sup> The permit is issued by the Central Office and is of limited duration. The permit authorises the holder to bring a maximum of three weapons or weapon components into Switzerland simultaneously.<sup>78</sup>

<sup>2bis</sup> The Federal Council determines what form the permit application shall take, what additional documents are required, and how long the permit is valid.<sup>79</sup>

<sup>3</sup> The Federal Council may make exceptions to the permit requirement for bringing weapons other than firearms into Switzerland on a temporary basis.<sup>80</sup>

<sup>4</sup> The Central Office shall notify the competent cantonal authority at the permit holder's place of residence of weapons, essential and specially designed weapon components, ammunition and ammunition components that have been brought into Switzerland on a non-commercial basis.

**Art. 25a<sup>81</sup>** Bringing firearms temporarily into Switzerland while travelling<sup>82</sup>

<sup>1</sup> Any person who wishes to bring firearms and their ammunition temporarily into Switzerland while travelling requires a permit in accordance with Article 25. The permit may be issued for a maximum of one year and for one or more journeys. It may be renewed for a maximum of one year at a time.<sup>83</sup>

<sup>2</sup> A permit for bringing firearms from a Schengen state is only issued if they are registered in a European Firearms Pass.<sup>84</sup> The permit must be recorded in the European Firearms Pass.

<sup>3</sup> The Federal Council may make exceptions to the permit requirement for:

- a. hunters and target shooters;

<sup>77</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBI 2006 2713).

<sup>78</sup> Amended by No I of the FA of 11 Dec. 2009 (Amendment to the Implementation of the Schengen acquis), in force since 28 July 2010 (AS 2010 2823; BBI 2009 3649).

<sup>79</sup> Inserted by No I of the FA of 11 Dec. 2009 (Amendment to the Implementation of the Schengen acquis), in force since 28 July 2010 (AS 2010 2823; BBI 2009 3649).

<sup>80</sup> Amended by No I of the FA of 11 Dec. 2009 (Amendment to the Implementation of the Schengen acquis), in force since 28 July 2010 (AS 2010 2823; BBI 2009 3649).

<sup>81</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS 2008 447 5405 Art. 1 let. e; BBI 2004 5965).

<sup>82</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBI 2006 2713).

<sup>83</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBI 2006 2713).

<sup>84</sup> Amended by No I of the FA of 11 Dec. 2009 (Amendment to the Implementation of the Schengen acquis), in force since 28 July 2010 (AS 2010 2823; BBI 2009 3649).

- b. foreign personnel of diplomatic missions, permanent missions to international organisations, consular posts and special missions;
- c. members of foreign armed forces on international missions or training;
- d. government security officers on official visits;
- e.<sup>85</sup> staff of foreign border control authorities on operational deployment with the Swiss border protection authorities at the Schengen external borders in Switzerland;
- f.<sup>86</sup> members of foreign police forces on international deployment or training.<sup>87</sup>

<sup>4</sup> The European Firearms Pass must be carried at all times while in Switzerland and presented to the authorities on request.

**Art. 25<sup>b</sup>**<sup>88</sup> Taking firearms temporarily out of Switzerland while travelling

<sup>1</sup> Any person who wishes to take firearms and their ammunition temporarily to a Schengen state while travelling must apply to the competent authority of their canton of residence for a European Firearms Pass.<sup>89</sup>

<sup>2</sup> The European Firearms Pass is issued for weapons that the applicant can credibly claim to be authorised to possess. It is valid for a maximum of five years and may be extended for a maximum of two years at a time.

## Chapter 6 Storing, Carrying and Transporting Weapons and Ammunition, Improper Carrying of Dangerous Objects<sup>90</sup>

**Art. 26** Storage

<sup>1</sup> Weapons, essential weapon components, ammunition and ammunition components must be kept in a safe place and protected from access by unauthorised third persons.

<sup>2</sup> The loss of a weapon must be reported to the police immediately.

<sup>85</sup> Inserted by No I of the FA of 23 Dec. 2011, in force since 1 Jan. 2013 (AS 2012 4551 6775; BBl 2011 4555).

<sup>86</sup> Inserted by No I 5 of the FA of 25 Sept. 2015 on Improving the Exchange of Information between Authorities in relation to Weapons, in force since 1 July 2016 (AS 2016 1831; BBl 2014 303).

<sup>87</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>88</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS 2008 447 5405 Art. 1 let. e; BBl 2004 5965).

<sup>89</sup> Amended by No I of the FA of 11 Dec. 2009 (Adaptation of the Implementation of the Schengen Acquis), in force since 28 July 2010 (AS 2010 2823; BBl 2009 3649).

<sup>90</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

**Art. 27<sup>91</sup>** Carrying a weapon

<sup>1</sup> Any person who carries a weapon in publicly accessible places or who wishes to transport a weapon requires a permit to carry a weapon. The permit must be carried at all times and presented to the police or customs authorities on request. Article 28 paragraph 1 remains without prejudice.

<sup>2</sup> A person is granted a permit to carry a weapon if:

- a. they are not subject to any of the restrictions under Article 8 paragraph 2;
- b. they can plausibly justify that they require a weapon to protect themselves, other persons or things from genuine danger;
- c. they have passed a test on handling weapons and on knowledge of the legal requirements for using weapons; the Federal Department of Justice and Police issues examination regulations.

<sup>3</sup> The permit is issued by the competent authority of the canton of residence for a specific type of weapon and for a maximum of five years. It is valid throughout Switzerland and may be subject to conditions. Persons resident abroad obtain the permit from the competent authority of the canton where they enter Switzerland.

<sup>4</sup> A permit is not required by:

- a. holders of a hunting permit, hunting inspectors and gamekeepers for carrying weapons while exercising their duties;
- b. participants of events at which weapons are carried in connection with historic events;
- c. participants of shooting events involving airsoft weapons carrying these weapons on secured terrain;
- d. foreign aviation security officers on the territory of Swiss airports, providing the foreign authority responsible for air traffic safety has a general permit in accordance with Article 27a;
- e.<sup>92</sup> members of foreign border protection authorities who together with members of the Swiss border guard authorities are involved in operations at the external borders of the Schengen area in Switzerland.

<sup>5</sup> The Federal Council regulates the details on issuing permits to carry a weapon, especially on issuing permits to foreign members of staff at diplomatic missions, permanent missions of international organisations, consular posts and special missions.

<sup>91</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>92</sup> Inserted by No I of the FA of 23 Dec. 2011, in force since 1 Jan. 2013 (AS 2012 4551 6775; BBl 2011 4555).

**Art. 27a<sup>93</sup>** General permit on the territory of Swiss airports

<sup>1</sup> A general permit may be issued to foreign airlines to perform security duties on the territory of Swiss airports.

<sup>2</sup> A general permit may be issued to the foreign authority responsible for aviation security to avert criminal acts and protect air passengers on board aircraft.

<sup>3</sup> A general permit may only be issued if the foreign authority or foreign airline guarantees that any person who carries out a function in accordance with paragraphs 1 or 2:

- a. is authorised to carry a weapon under the law of the foreign state concerned; and
- b. has adequate training.

<sup>4</sup> The general permit regulates the places of deployment, the type of weapons, co-operation with the local authorities and the scope of security duties.

**Art. 28<sup>94</sup>** Transporting weapons

<sup>1</sup> A permit to carry a weapon is not required for transporting weapons, in particular:

- a. to and from courses, exercises and events by shooting, hunting or airsoft weapons clubs and by military organisations or associations;
- b. to and from an armoury;
- c. to and from the holder of a weapons trading permit;
- d. to and from weapons-related events;
- e. when changing residence.

<sup>2</sup> Weapons and ammunition must be kept separate when transporting.

**Art. 28a<sup>95</sup>** Improper carrying of dangerous objects

It is prohibited to carry dangerous objects in publicly accessible places and to transport such objects in vehicles if:

- a. it is not plausible that carrying or transporting the objects for their intended use or maintenance is justified; and
- b. the impression arises that the objects are going to be used improperly, in particular to intimidate, threaten or injure people.

<sup>93</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>94</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>95</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

## Chapter 7 Exemption Permits, Control, Administrative Sanctions and Fees<sup>96</sup>

### Section 1 Exemption Permits<sup>97</sup>

#### Art. 28b<sup>98</sup> Weapons other than firearms and weapon accessories

Exemption permits for the transfer of possession, acquisition, brokerage for recipients in Switzerland and bringing into Switzerland of objects specified in Article 5 paragraph 2 may only be issued if:

- a. there are legitimate grounds for doing so,
- b. no impediments under Article 8 paragraph 2 exist; and
- c. the special requirements of this Act are met.

<sup>2</sup> Legitimate grounds are in particular:

- a. professional requirements;
- b. use for industrial purposes;
- c. compensating for physical handicaps;
- d. collecting

#### Art. 28c<sup>99</sup> Firearms and essential or specially designed weapon components

<sup>1</sup> Exemption permits for the transfer of possession, acquisition, brokerage for recipients in Switzerland, bringing into Switzerland and possession of objects specified in Article 5 paragraph 1 may only be issued if:

- a. there are legitimate grounds for doing so;
- b. no impediments under Article 8 paragraph 2 exist; and
- c. the special requirements of this Act are met.

<sup>96</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>97</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS **2019** 2415; BBl **2018** 1881).

<sup>98</sup> Inserted by No I of the FA of 22 June 2007 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713). Amended by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS **2019** 2415; BBl **2018** 1881).

<sup>99</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS **2019** 2415; BBl **2018** 1881).



<sup>2</sup> Legitimate grounds are in particular:

- a. professional requirements, in particular with regard to carrying out protection duties, such as protecting persons, critical infrastructure or the transport of valuables;
- b. target shooting by shooting clubs;
- c. collecting;
- d. national defence requirements;
- e. educational, cultural, research or historical purposes.

<sup>3</sup> Exemption permits for shooting in accordance with Article 5 paragraphs 3 and 4 may be issued if there are no impediments under Article 8 paragraph 2 and suitable measures are taken to guarantee safety.

**Art. 28d<sup>100</sup>** Special requirements for target shooters

<sup>1</sup> The issue of exemption permits for the purpose of target shooting by shooting clubs is limited to firearms and essential weapon components in accordance with Article 5 paragraph 1 letters b and c and to specially designed weapon components and weapon accessories that are genuinely required for this purpose.

<sup>2</sup> Exemption permits are only issued to persons who prove to the competent cantonal authority that they:

- a. are members of a shooting club; or
- b. they use their firearm regularly for target shooting without being a member of a shooting club.

<sup>3</sup> Proof in accordance with paragraph 2 must be provided after 5 and after 10 years.

**Art. 28e<sup>101</sup>** Special requirements and obligations for collectors and museums

<sup>1</sup> Exemption permits may only be issued to collectors if the persons or institutions concerned prove that they have taken suitable precautions in accordance with Article 26 to store the collection safely.

<sup>2</sup> Collectors and museums must:

- a. keep a list of all firearms in accordance with Article 5 paragraph 1 that are in their possession; the list must be kept up-to-date;
- b. be able to present the list and the related exemption permits to the authorities on request.

<sup>100</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS 2019 2415; BBl 2018 1881).

<sup>101</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS 2019 2415; BBl 2018 1881).

## Section 2 Control, Administrative Sanctions and Fees<sup>102</sup>

### Art. 29<sup>103</sup> Control

<sup>1</sup> The cantonal executive bodies are authorised, in the presence of the person holding a permit under this Act or a person representing them, to:

- a. check compliance with the conditions and requirements linked to the permit;
- b. visit the business premises of the holder of a weapons trading permit during the normal hours of business without prior notice and inspect the relevant files.

<sup>2</sup> They shall seize incriminating evidence.

<sup>3</sup> Holders of a weapons trading permits are subject to control and inspection as defined in paragraph 1 at regular intervals.

### Art. 30 Withdrawal of permits

<sup>1</sup> The competent authority shall withdraw a permit if:

- a. the requirements that led to the permit being issued are no longer fulfilled;
- b. the conditions attached to the permit are no longer fulfilled.

<sup>2</sup> ...<sup>104</sup>

### Art. 30a<sup>105</sup> Notification of the refusal or withdrawal of permits

<sup>1</sup> An authority that refuses to issue a permit shall notify the Central Office of its refusal and state the reasons.

<sup>2</sup> An authority that withdraws a permit shall notify the authority that issued it and the Central Office of its withdrawal.

### Art. 30b<sup>106</sup> Right to report

Persons bound by official or professional secrecy are authorised to notify the competent cantonal and federal police and judicial authorities of any person who:

<sup>102</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS **2019** 2415; BBl **2018** 1881).

<sup>103</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>104</sup> Repealed by No I of the FA of 22 June 2007, with effect from 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>105</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>106</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

- a. uses weapons to endanger themselves or others;
- b. uses weapons to threaten themselves or third parties.

**Art. 31**<sup>107</sup> Seizure and confiscation

<sup>1</sup> The competent authority shall seize:

- a. weapons carried by persons who do not have authorisation;
- b. weapons, essential and specially designed weapon components, weapon accessories, ammunition and ammunition components from persons who are subject to an impediment under Article 8 paragraph 2 or who are not authorised to acquire or possess them;
- c. dangerous objects that are improperly carried;
- d.<sup>108</sup> firearms, their essential components or accessories that are not marked in accordance with Article 18a;
- e.<sup>109</sup> every elementary package of ammunition that is not marked in accordance with Article 18b.
- f.<sup>110</sup> high capacity loading devices and the related firearm that are in the possession of persons who are not authorised to acquire or possess the same.

<sup>2</sup> If the competent authority seizes weapons, essential or specially designed weapon components, weapon accessories, high capacity loading devices and the related firearm, ammunition or ammunition components, or dangerous objects from a person who is not authorised to own them, it shall return these objects to the person who is authorised to own them providing no impediment in accordance with Article 8 paragraph 2 exists.<sup>111</sup>

<sup>2bis</sup> If the competent authority seizes firearms in accordance with Article 5 paragraph 1 letters b–d that are not registered in the cantonal information system on the acquisition of firearms in accordance with Article 32a paragraph 2, the lawful possession of which has not be reported in accordance with Article 42b or for which no proof

<sup>107</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>108</sup> Inserted by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

<sup>109</sup> Inserted by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

<sup>110</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS 2019 2415; BBl 2018 1881).

<sup>111</sup> Amended by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS 2019 2415; BBl 2018 1881).

has been provided in accordance with Article 28*d* paragraph 3, the holder must submit an application for an exemption permit under Articles 28*c*–28*e* or transfer possession of the firearms to an authorised person.<sup>112</sup>

<sup>2<sup>ter</sup></sup> If the competent authority seizes high capacity loading devices and the related firearm, the holder must submit an application for an exemption permit for the firearm under Articles 28*c*–28*e* or transfer possession of the firearms to an authorised person.<sup>113</sup>

<sup>3</sup> The competent authority shall order the forfeiture of the seized objects if:

- a. there is a danger of them being used improperly, in particular if persons have been threatened or injured with such objects;
- b. they are objects that are defined in paragraph 1 letters d or e and have been manufactured or brought into Switzerland after 28 July 2010;<sup>114</sup>
- c.<sup>115</sup> possession of the objects has not been transferred to an authorised person or the application in terms of paragraphs 2<sup>bis</sup> or 2<sup>ter</sup> has not been submitted or has been rejected.<sup>116</sup>

<sup>4</sup> The competent authority shall notify the Central Office for Weapons about the permanent confiscation, together with the exact description of the weapon.

<sup>5</sup> The Federal Council regulates the procedure if it is not possible to return the objects.

#### **Art. 31a<sup>117</sup>** Taking receipt of weapons by the cantons

The cantons are obliged to take receipt of weapons, essential and specially designed weapon components, weapon accessories, ammunition and ammunition components free of charge. They may charge holders of a weapons trading permit a fee for taking receipt of these objects.

<sup>112</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS **2019** 2415; BBl **2018** 1881).

<sup>113</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS **2019** 2415; BBl **2018** 1881).

<sup>114</sup> Amended by Art. 2 of the FD of 11 Dec. 2009 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive 2008/51/EC on the Amendment of the Weapons Directive, in force since 28 July 2010 (AS **2010** 2899; BBl **2009** 3649).

<sup>115</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS **2019** 2415; BBl **2018** 1881).

<sup>116</sup> Amended by Art. 2 of the FD of 11 Dec. 2009 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive 2008/51/EC on the amendment of the Weapons Directive, in force since 28 July 2010 (AS **2010** 2899; BBl **2009** 3649).

<sup>117</sup> Inserted by No 1 of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

**Art. 31b**<sup>118</sup> Reporting office

<sup>1</sup> The cantons shall designate a reporting office. They may delegate the tasks of this office to national-level organisations working in the field of weapons.

<sup>2</sup> The reporting office performs the tasks assigned to it under Articles 11 paragraphs 3 and 4, 32*k* and 42*a*. It provides the law enforcement services of the cantons and the Confederation with the required information on request.

**Art. 31c**<sup>119</sup> Central office

<sup>1</sup> The Federal Council shall designate a central office to provide the enforcing authorities with support.

<sup>2</sup> Besides the mandate under Articles 9*a* paragraph 2, 22*b*, 24 paragraphs 3 and 4, 25 paragraphs 3 and 5, 31*d*, 32*a*, 32*c* and 32*j* paragraph 1, the central office also performs the following tasks in particular:

- a. it advises the enforcing authorities;
- b. it co-ordinates their activities;
- bbis.<sup>120</sup> it processes requests from Swiss or foreign authorities to trace firearms, their essential components or accessories, ammunition and ammunition components, and forwards to foreign authorities appropriate requests by Swiss authorities; it is the contact point for technical and operative matters concerning traceability;
- c. it is the central reception centre and reporting office for the exchange of information with other Schengen states;
- d. it forwards to the canton of residence reports on persons resident in Switzerland who have acquired a firearm in a Schengen state;
- e. it compiles recommendations for the uniform application of weapons legislation and for granting exemption permits;
- f. it may grant foreign airlines a general permit to perform security-related duties in accordance with Article 27*a*.

<sup>3</sup> The Federal Council regulates the details of the central office's activities.

<sup>118</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>119</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>120</sup> Inserted by Art. 2 of the FD of 23 Dec. 2011 on the Adoption and Implementation of the UN Firearms Protocol, in force since 1 Jan. 2013 (AS 2012 6777; BBl 2011 4555).

**Art. 31d**<sup>121</sup> National co-ordination unit for evaluating firearms trace marks

<sup>1</sup> The Confederation and the cantons may operate a national co-ordination unit for the central analysis of traces of firearms as defined under Article 4 paragraph 1 letters a and f.

<sup>2</sup> The national co-ordination unit is operated by the central office.

**Art. 32**<sup>122</sup> Fees

The Federal Council determines the fees for:

- a. processing permits, conducting examinations and issuing certificates under this Act;
- b.<sup>123</sup> storing seized weapons and dangerous objects carried improperly;
- c.<sup>124</sup> measures concerning the seizure, definite confiscation and use of objects defined under Article 4.

## **Chapter 7a**<sup>125</sup> **Data Processing and Data Protection**

### **Section 1**<sup>126</sup> **Data Processing**

**Art. 32a**<sup>127</sup> Information systems

<sup>1</sup> The central office operates the following databases:

- a. a database on the acquisition of weapons by foreign nationals who do not have a settlement permit (DEWA database);
- b. a database on the acquisition of weapons by persons resident in another Schengen state (DEWS database);
- c. a database on the withdrawal and refusal of permits, and the seizure of weapons (DEBBWA database);

<sup>121</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>122</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>123</sup> Amended by No I 5 of the FA of 25 Sept. 2015 on Improving the Exchange of Information between Authorities in relation to Weapons, in force since 1 July 2016 (AS 2016 1831; BBl 2014 303).

<sup>124</sup> Inserted by No I 5 of the FA of 25 Sept. 2015 on Improving the Exchange of Information between Authorities in relation to Weapons, in force since 1 July 2016 (AS 2016 1831; BBl 2014 303).

<sup>125</sup> Inserted by Art. 3 No 6 of the FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS 2008 447 5405 Art. 1 let. e; BBl 2004 5965).

<sup>126</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>127</sup> Amended by No I 5 of the FA of 25 Sept. 2015 on Improving the Exchange of Information between Authorities in relation to Weapons, in force since 1 July 2016 (AS 2016 1831; BBl 2014 303).

- d. a database on the transfer of army weapons to private ownership, and on conscripts and army personnel who are subject to an impediment to possessing a personal weapon under Article 113 of the Armed Forces Act of 3 February 1995<sup>128</sup> (DAWA database);
- e. a database on markings to trace firearms and their ammunition (DARUE database).

<sup>2</sup> Every canton shall operate an electronic information system on the acquisition and possession of firearms.

<sup>3</sup> In addition to the information system under paragraph 2, they may also operate a harmonised common information system on the acquisition and possession of firearms and designate a body that is responsible for merging and managing the data.

<sup>4</sup> The information systems under paragraphs 1 and 3 may be consulted by users in accordance with their access rights by means of a single search request.

<sup>5</sup> The Confederation may provide support for measures to harmonise the information systems defined under paragraphs 1–3.

<sup>6</sup> The Federal Council defines the conditions that must be fulfilled in order to obtain funding from the Confederation under paragraph 5.

**Art. 32a<sup>bis</sup>**<sup>129</sup> Use of the AHV insurance number

<sup>1</sup> The authorities who process data online in the information systems defined in Article 32a paragraphs 1–3 are authorised to systematically use the insurance number in accordance with Article 50c of the Federal Act of 20 December 1946<sup>130</sup> on Old-Age and Survivors Insurance.

<sup>2</sup> The insurance number is used for exchanging data electronically with other databases that systematically use the insurance number, providing a formal legal basis exists for exchanging data using the insurance number and for operating the databases listed in Article 32a paragraph 1 letters c and d, and paragraphs 2 and 3.

<sup>3</sup> The competent authorities shall notify the central office of insurance numbers used in the DEBBWA and DAWA databases.

**Art. 32b<sup>131</sup>** Content of the databases

<sup>1</sup> The DEWA and DEWS databases contain the following data:

- a. the personal data and register number of the person acquiring the weapon;

<sup>128</sup> SR **510.10**

<sup>129</sup> Inserted by No I of the FA of 23 Dec. 2011 (AS **2012** 4551; BBI **2011** 4555). Amended by No I 5 of the FA of 25 Sept. 2015 on Improving the Exchange of Information between Authorities in relation to Weapons, in force since 1 July 2016 (AS **2016** 1831; BBI **2014** 303).

<sup>130</sup> SR **831.10**

<sup>131</sup> Amended by No I 5 of the FA of 25 Sept. 2015 on Improving the Exchange of Information between Authorities in relation to Weapons, in force since 1 July 2016 (AS **2016** 1831; BBI **2014** 303).

- b. the type of weapon, manufacturer, description, calibre, weapon number and date of transfer;
  - c. the date of registration in the database.
- <sup>2</sup> The DEBBWA database contains the following data:
- a. the personal data and insurance number of any person whose permit has been withdrawn, who has been refused a permit, or from whom weapons have been seized;
  - b.<sup>132</sup> the circumstances leading to the withdrawal or refusal of the permit;
  - c. the type and model of weapon and its number, and the date of its transfer;
  - d. the circumstances leading to seizure;
  - e. official rulings on seized weapons;
  - f. the date of registration in the database.
- <sup>3</sup> The DAWA database contains the following data:
- a. the personal data and insurance number of any person who takes over possession of a weapon on leaving the army;
  - b. the personal data and insurance number of any person whose personal or borrowed weapon has been taken from them or confiscated from them under legislation on the armed forces;
  - c. the personal data and insurance number of any person who has not been given a weapon due to an impediment concerning the transfer of a personal army weapon under Article 113 of the Armed Forces Act of 3 February 1995<sup>133</sup>;
  - d. the type and model of weapon and its number, and the date of its transfer or confiscation;
  - e. the circumstances leading to a weapon not being given to, being taken from, or being confiscated from a person;
  - f. official rulings on seized weapons;
  - g. the date of registration in the database.
- <sup>4</sup> The DARUE database contains the following data:
- a. information on marking under Articles 18*a* and 18*b*;
  - b. other recognition marks of the manufacturer and importer;
  - c. the contact data of the manufacturer, supplier and importer;
  - d. information on the permit allowing the weapon to be brought into Switzerland.

<sup>132</sup> Amended by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS 2019 2415; BBl 2018 1881).

<sup>133</sup> SR 510.10



- <sup>5</sup> The information system under Article 32a paragraph 2 contains the following data:
- a. the personal data and registration number of the person acquiring and the person transferring possession of a weapon;
  - b.<sup>134</sup> the type of weapon or essential weapons component, manufacturer, description, calibre, weapon number, date of transfer and date of destruction;
  - c. the personal data of the holder of the European Firearms Pass under Article 25b and the details contained therein;
  - d. the personal data of the holder of a permit to carry a weapon under Article 27 and the details contained therein.
- <sup>6</sup> The harmonised common information system under Article 32a paragraph 3 shall contain the following data:
- a. the personal data of the person acquiring a weapon;
  - b. the type of weapon, manufacturer, description, calibre, weapon number and date of transfer;
  - c. the personal data of the holder of a European Firearms Pass under Article 25b and the details contained therein;
  - d. the personal data of the holder of a permit to carry a weapon under Article 27 and the details contained therein.
- <sup>7</sup> The information systems under Article 32a paragraphs 2 and 3 may also contain the insurance number.

**Art. 32c<sup>135</sup>** Disclosing data

- <sup>1</sup> All data contained in the DEWA, DEBBWA and DARUE databases may be disclosed to the following authorities to enable them to fulfil their statutory duties:
- a. the competent authorities of the canton of residence or home country;
  - b. other federal and cantonal judicial and police authorities, and the authorities responsible for enforcing this Act;
  - c. foreign police, law enforcement and security services, as well as Europol and INTERPOL offices.
- <sup>2</sup> Federal and cantonal law enforcement services, cantonal police authorities and the customs authorities may access all data contained in the DEWA, DEBBWA, DAWA and DARUE databases by means of an online access procedure.
- <sup>3</sup> The military authorities may access all data contained in the DEBBWA database by means of an online access procedure.

<sup>134</sup> Amended by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 14 Dec. 2019 (AS 2019 2415; BBl 2018 1881).

<sup>135</sup> Amended by No I 5 of the FA of 25 Sept. 2015 on Improving the Exchange of Information between Authorities in relation to Weapons, in force since 1 July 2016 (AS 2016 1831; BBl 2014 303).

<sup>4</sup> The Central Office shall notify the competent departments of the military authorities immediately of any member of the armed forces or person required to enlist who is newly registered in the DEBBWA database and whose permit has been withdrawn, who has been refused a permit, or whose weapon has been seized. Notification is sent to the Integrated Resources Management Information System (PSN) through an automated process.

<sup>5</sup> The Central Office shall notify the competent authority of the canton of residence immediately of any member of the armed forces or person required to enlist who is newly registered in the DAWA database and whose personal weapon or borrowed weapon has been taken from them or confiscated, or who has not been given a personal or borrowed weapon. Notification is sent to the information systems of the competent canton of residence under Article 32a paragraphs 2 and 3 through an automated process.

<sup>6</sup> Data from the DEWS database must be forwarded to the competent authorities of the country of residence of the person concerned.

<sup>7</sup> Data from the information system under Article 32a paragraph 3 may be disclosed to federal and cantonal law enforcement services and judicial authorities, cantonal police services, the Federal Office of Police (fedpol), the customs authorities and the competent departments of the military authorities by means of an online access procedure to enable them to fulfil their statutory duties.

<sup>8</sup> The Federal Council regulates the scope of data disclosure to the federal and cantonal authorities. It also regulates the control, storage, correction and deletion of the data.

## Section 2 Data Processing and Data Protection under the Schengen Association Agreements<sup>136</sup>

**Art. 32d<sup>137</sup>** Disclosing personal data to a Schengen state

Disclosing personal data to the competent authorities of Schengen states is equivalent to disclosing personal data between federal bodies.

**Art. 32e** Disclosing personal data to a state that is not bound by any of the Schengen association agreements

<sup>1</sup> Personal data may only be disclosed to third states if they can guarantee an adequate level of data protection.

<sup>2</sup> If a third state does not guarantee an adequate level of data protection, personal data may be disclosed in special cases if:

<sup>136</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBI 2006 2713).

<sup>137</sup> Amended by No I of the FA of 11 Dec. 2009 (Amendment to the Implementation of the Schengen acquis), in force since 28 July 2010 (AS 2010 2823; BBI 2009 3649).

- a. the person concerned has consented beyond any doubt; if the personal data or personality profiles are particularly sensitive, the person must give their explicit consent;
- b. disclosure is necessary to protect the life or physical integrity of the person concerned; or
- c. disclosure is necessary to safeguard overriding public interests or to determine, exercise or assert legal rights in court.

<sup>3</sup> Besides the cases mentioned in paragraph 2, personal data may also be disclosed in special cases if sufficient guarantees ensure adequate protection of the person concerned.

<sup>4</sup> The Federal Council determines the scope and the terms of the guarantees to be provided.

**Art. 32<sup>f</sup>**<sup>138</sup>

**Art. 32g** Right to information

The right to information is based on the federal or cantonal data protection provisions.<sup>139</sup> The controller of the data file also provides information on available details concerning the source of the data.

**Art. 32h** and **32i**<sup>140</sup>

## **Section 3<sup>141</sup> Notification Requirements**

**Art. 32j** Notification by the military authorities

<sup>1</sup> ...<sup>142</sup>

<sup>2</sup> The competent departments of the military authorities shall notify the Central Office of:

<sup>138</sup> Repealed by No 6 of the FA of 19 March 2010 on the Implementation of Framework Decision 2008/977/JI on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, with effect from 1 Dec. 2010 (AS 2010 3387 3418; BBl 2009 6749).

<sup>139</sup> Amended by No 6 of the FA of 19 March 2010 on the implementation of Framework Decision 2008/977/JI on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, in force since 1 Dec. 2010 (AS 2010 3387 3418; BBl 2009 6749).

<sup>140</sup> Repealed by No 6 of the FA of 19 March 2010 on the implementation of Framework Decision 2008/977/JI on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, with effect from 1 Dec. 2010 (AS 2010 3387 3418; BBl 2009 6749).

<sup>141</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>142</sup> Repealed by No I of the FA of 23 Dec. 2011, with effect from 1 Jan. 2013 (AS 2012 4551 6775; BBl 2011 4555).

- a. the identity and insurance number of any person to whom ownership of a weapon is transferred on leaving the army, and of the type of weapon and weapon number;
- b. the identity and insurance number of any person whose personal weapon or borrowed weapon has been taken from them or confiscated, or who has not been given a personal or borrowed weapon under military legislation.<sup>143</sup>

**Art. 32k** Notification by the cantonal authorities and reporting offices

The competent cantonal authorities and reporting offices shall provide the Central Office with information available to them on:

- a. the identity of any person without a settlement permit in Switzerland who has acquired a weapon, or an essential or specially designed weapon component in Switzerland;
- b. the identity of any person resident in another Schengen state who has acquired a firearm, or an essential or specially designed weapon component in Switzerland;
- c. the weapons, or essential or specially designed weapon components acquired.

## Chapter 8 Criminal Provisions

**Art. 33**<sup>144</sup> Misdemeanours and felonies<sup>145</sup>

<sup>1</sup> Any person who wilfully carries out any of the following acts is liable to a custodial sentence not exceeding three years or to a monetary penalty:

- a.<sup>146</sup> offers for acquisition, transfers possession of, brokers, acquires, possesses, manufactures, alters, modifies, carries, exports to a Schengen state or brings into Switzerland weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components unlawfully;

<sup>143</sup> Amended by No I 5 of the FA of 25 Sept. 2015 on Improving the Exchange of Information between Authorities in relation to Weapons, in force since 1 July 2016 (AS 2016 1831; BBl 2014 303).

<sup>144</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>145</sup> Amended by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

<sup>146</sup> Amended by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

- a<sup>bis</sup>.<sup>147</sup> removes, effaces, alters or adds to the prescribed marking of firearms, their essential components or accessories in accordance with Article 18a unlawfully;
- b. brings into Switzerland, as the holder of a weapons trading permit, weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components without registering these objects or declaring them correctly;
- c. obtains a weapons trading permit under false pretences by providing incorrect or incomplete information;
- d. violates their obligations under Article 21;
- e. as the holder of a weapons trading permit fails to keep weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components in a safe place (Art. 17 para. 2 let. d);
- f.<sup>148</sup> as the holder of a weapons trading permit:
1. manufactures or brings into Switzerland firearms, their essential components, weapon accessories or ammunition without marking these objects in accordance with Article 18a or 18b,
  2. offers for acquisition, acquires, transfers possession of or brokers firearms, their essential components, weapon accessories or ammunition that are not marked in accordance with Article 18a or 18b,
  3. offers for acquisition, acquires, transfers possession of or brokers firearms, their essential or specially designed components, weapon accessories or ammunition that have been brought into Switzerland unlawfully;
- g. as a person in accordance with Article 7 paragraph 1, offers for acquisition, transfers possession of or brokers weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components and who is not able to produce an exemption permit in accordance with Article 7 paragraph 2.

<sup>2</sup> If the perpetrator acts negligently, the penalty is a fine. The penalty may be waived in minor cases.

<sup>3</sup> Any person who wilfully and on a commercial basis unlawfully:

- a.<sup>149</sup> offers for acquisition, transfers possession of, brokers, manufactures, repairs, alters, modifies, takes to a Schengen state or brings into Switzerland weap-

<sup>147</sup> Inserted by Art. 2 of the FD of 23 Dec. 2011 on the Adoption and Implementation of the UN Firearms Protocol, in force since 1 Jan. 2013 (AS 2012 6777; BBl 2011 4555).

<sup>148</sup> Amended by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

<sup>149</sup> Amended by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

ons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components;

b.<sup>150</sup> ...

c.<sup>151</sup> offers for acquisition, acquires, transfers possession of or brokers firearms, their essential or specially designed weapon components, weapon accessories or ammunition that have not been marked in accordance with Article 18a or 18b, or that have been brought into Switzerland unlawfully;

is liable to a custodial sentence not exceeding five years or a monetary penalty.

#### Art. 34<sup>152</sup> Contraventions

<sup>1</sup> Any person who carries out any of the following acts is liable to a fine:

- a. obtains, attempts to obtain or is complicit in obtaining under false pretences a permit to acquire or carry a weapon by providing incorrect or incomplete information, without fulfilling the elements of an offence under Article 33 paragraph 1 letter a;
- b. uses a firearm unlawfully to shoot (Art. 5 para. 3 and 4);
- c. disregards due diligence in transferring the possession of weapons, essential or specially designed weapon components, ammunition or ammunition components (Art. 10a and 15 para. 2);
- d. does not fulfil his or her duties under Article 11 paragraphs 1 and 2, or provides incorrect or incomplete contractual information;
- e. as a private individual does not keep weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components in a safe place (Art. 26 para. 1);
- f. as a private individual brings weapons, essential or specially designed weapon components, weapon accessories, ammunition or ammunition components into Switzerland without registering or correctly declaring these objects, or fails to register them while travelling in transit;
- g. does not report the loss of weapons to the police immediately (Art. 26 para. 2);
- h. does not carry on them their permit to carry a weapon (Art. 27 para. 1);

<sup>150</sup> Repealed by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, with effect from 28 July 2010 (AS 2010 2899; BBl 2009 3649).

<sup>151</sup> Inserted by Art. 2 of the FD of 11 Dec. 2009 on the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS 2010 2899; BBl 2009 3649).

<sup>152</sup> Amended by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

- i. does not fulfil the notification requirements under Articles 7a paragraph 1, 9c, 11 paragraphs 3 and 4, 11a paragraph 2, 17 paragraph 7 or 42 paragraph 5;
- j. does not fulfil his or her obligations as an heir under Articles 6a, 8 paragraph 2<sup>bis</sup> or 11 paragraph 4;
- k. uses prohibited forms of supply (Art. 7b);
- l.<sup>153</sup> obtains the accompanying note under false pretences by providing incorrect or incomplete information;
- l<sup>bis</sup>.<sup>154</sup> exports firearms, their essential components or ammunition (Art. 22b para. 1) to a Schengen state without enclosing the accompanying note;
- m. on entry from a Schengen state carries firearms, essential or specially designed weapon components or ammunition without a European Firearms Pass (Art. 25a para. 4);
- n. transports a firearm without keeping weapon and ammunition separate (Art. 28 para. 2);
- o. in any other way wilfully violates a provision of this Act, whose contravention the Federal Council has declared punishable in the implementing regulations.

<sup>2</sup> The penalty may be waived in minor cases.

#### **Art. 35** Offences committed within a business

For offences committed within a business, Articles 6 and 7 of the Administrative Criminal Law Act of 22 March 1974<sup>155</sup> apply.

#### **Art. 36** Law enforcement

<sup>1</sup> The cantons prosecute and judge offences. The Confederation supports the coordination of law enforcement between the cantons.

<sup>2</sup> The Federal Customs Administration examines and judges contraventions against this Act with regard to travelling in transit and bringing weapons into Switzerland.<sup>156</sup>

<sup>3</sup> If a contravention under paragraph 2 is also an offence under customs or VAT law, the penalty for the more serious offence is applicable; the penalty may be increased appropriately.

<sup>153</sup> Amended by No I of the FA of 11 Dec. 2009 (Adaptation of the Implementation of the Schengen Acquis), in force since 28 July 2010 (AS 2010 2823; BBI 2009 3649).

<sup>154</sup> Inserted by No I of the FA of 11 Dec. 2009 (Adaptation of the Implementation of the Schengen Acquis), in force since 28 July 2010 (AS 2010 2823; BBI 2009 3649).

<sup>155</sup> SR 313.0

<sup>156</sup> Amended by No I 5 of the FA of 25 Sept. 2015 on Improving the Exchange of Information between Authorities in relation to Weapons, in force since 1 July 2016 (AS 2016 1831; BBI 2014 303).

**Art. 37**<sup>157</sup>**Chapter 9 Final Provisions****Art. 38** Enforcement by the cantons

<sup>1</sup> The cantons shall enforce this Act where it does not declare the Confederation to be responsible.

<sup>2</sup> They shall issue regulations for cantonal enforcement and notify the federal authorities of these regulations.

**Art. 39**<sup>158</sup>**Art. 40** Implementing provisions of the Federal Council

<sup>1</sup> The Federal Council shall issue the implementing provisions for this Act.

<sup>2</sup> In these provisions, it regulates, in particular, the form and content of the permits.

<sup>3</sup> It determines which authorities enter data into the federal databases.<sup>159</sup>

<sup>4</sup> It may delegate implementation tasks to the Federal Customs Administration.

**Art. 41**<sup>160</sup>**Art. 42** Transitional provision

<sup>1</sup> Any person who is permitted to carry a weapon or trade in weapons under existing cantonal law and wishes to retain this right must apply for the appropriate permit within one year of this Act coming into force.

<sup>2</sup> The right remains in force until a decision is reached on the application.

<sup>3</sup> Import, export and transit permits under the War Materials Act of 30 June 1972<sup>161</sup> and 13 December 1996<sup>162</sup> retain their validity.

<sup>4</sup> Any person who under existing law has a permit for the commercial import, export or transit of weapons, essential weapon components, ammunition and ammunition

<sup>157</sup> Repealed by No I of the FA of 22 June 2007, with effect from 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>158</sup> Repealed by No I of the FA of 22 June 2007, with effect from 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>159</sup> Amended by 2 of the FD of 11 Dec. 2009 the Adoption and Implementation of the Exchange of Notes between Switzerland and the EC concerning the Adoption of Directive 2008/51/EC on Amending the Weapons Directive, in force since 28 July 2010 (AS **2010** 2899; BBl **2009** 3649).

<sup>160</sup> Repealed by No I of the FA of 22 June 2007, with effect from 12 Dec. 2008 (AS **2008** 5499 5405 Art. 2 let. d; BBl **2006** 2713).

<sup>161</sup> [AS **1973** 108. AS **1998** 794 Art. 44]

<sup>162</sup> SR **514.51**



components may continue to bring these objects into Switzerland or export them on the basis of this permit.<sup>163</sup>

<sup>5</sup> Any person who is already in possession of weapons, essential or specially designed weapon components in accordance with Article 5 paragraph 2, or weapon accessories in accordance with Article 5 paragraph 1 letter g must register them with the cantonal authorities responsible for issuing exemption permits within three months of this provision coming into force.<sup>164</sup>

<sup>6</sup> An application for an exemption permit may be submitted within six months of the ban under Article 5 paragraph 2 coming into force. Any person who already has a valid exemption permit for acquiring weapons is exempt from this provision. Any person who does not wish to submit an application, must transfer possession of the objects to an authorised person within six months of the ban coming into force.<sup>165</sup>

<sup>7</sup> If the application for an exemption permit is rejected, the objects must be transferred to the possession of an authorised person within four months of the application being rejected.<sup>166</sup>

**Art. 42a**<sup>167</sup> Transitional provision on the amendment of 17 December 2004

<sup>1</sup> Any person who is already in possession of a firearm or an essential weapon component in accordance with Article 10 must register the object with the reporting office of the canton of residence within one year of the amendment of 17 December 2004 coming into force.

<sup>2</sup> The following objects do not have to be registered in accordance with paragraph 1:

- a. firearms or essential weapon components that were acquired at the time by the holder of a weapons trading permit;
- b. Swiss army firearms whose ownership was transferred at the time by the military authorities.

<sup>163</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>164</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>165</sup> Inserted by No I of the FA of 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>166</sup> Inserted by No I of the FA 22 June 2007, in force since 12 Dec. 2008 (AS 2008 5499 5405 Art. 2 let. d; BBl 2006 2713).

<sup>167</sup> Inserted by Art. 3 No 6 of FD of 17 Dec. 2004 on the Adoption and Implementation of the Bilateral Agreements between Switzerland and the EU on the Association with Schengen and Dublin, in force since 12 Dec. 2008 (AS 2008 447 5405 Art. 1 let. e; BBl 2004 5965).

**Art. 42b**<sup>168</sup> Transitional provision to the Amendment of 28 September 2018

<sup>1</sup> Persons in possession of a firearm in accordance with Article 5 paragraph 1 letters b–d when the Amendment of 28 September 2018 to this Act comes into force must notify the competent authorities in their canton of residence of their lawful possession of the weapon within three years.

<sup>2</sup> Notification is not required if the firearm is already registered in a cantonal information system on the acquisition of firearms in accordance with Article 32a paragraph 2.

**Art. 43** Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Federal Council determines the commencement date.

Commencement date: 1 January 1999<sup>169</sup>

<sup>168</sup> Inserted by the Annex to the FD of 28 Sept. 2018 on the approval and the implementation of the exchange of notes between Switzerland and the EU on the adoption of Directive (EU) 2017/853 on the Amendment of the EU Weapons Directive, in force since 15 Aug. 2019 (AS **2019** 2415; BBl **2018** 1881).

<sup>169</sup> FCD of 21 Sept. 1998.

*Annex*<sup>170</sup>  
(Art. 4 para. 2<sup>bis</sup>)

## Schengen Association Agreements

The Schengen Association Agreements comprise:

- a. the Agreement of 26 October 2004<sup>171</sup> between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis;
- b. the Agreement of 26 October 2004<sup>172</sup> in the form of an exchange of letters between the Council of the European Union and the Swiss Confederation on the Committees that assist the European Commission in the exercise of its executive powers;
- c. the Agreement of 17 December 2004<sup>173</sup> between the Swiss Confederation, the Republic of Iceland and the Kingdom of Norway on the implementation, application and development of the Schengen Acquis and on the criteria and procedure for determining the State responsible for examining an application for asylum lodged in Switzerland, Iceland or Norway;
- d. Agreement of 28 April 2005<sup>174</sup> between the Swiss Confederation and the Kingdom of Denmark on the implementation, application and development of those parts of the Schengen Acquis that are based on the provisions of Title IV of the Treaty establishing the European Community;
- e. the Protocol of 28 February 2008<sup>175</sup> between the Swiss Confederation, the European Union, the European Community and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the Swiss Confederation, the European Union and the European Community on the association of the Swiss Confederation with the implementation, application and development of the Schengen Acquis.

<sup>170</sup> Inserted by No II of the FA of 11 Dec. 2009 (adaptation of the implementation of the Schengen Acquis), in force since 28 July 2010 (AS 2010 2823; BB1 2009 3649).

<sup>171</sup> SR 0.362.31

<sup>172</sup> SR 0.362.1

<sup>173</sup> SR 0.362.32

<sup>174</sup> SR 0.362.33

<sup>175</sup> SR 0.362.311

