



REPUBLIC OF SAN MARINO

**We the Captains Regent
of the Most Serene Republic of San Marino**

Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;

Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 2 August 2012:

LAW NO. 122 OF 10 AUGUST 2012

CONSOLIDATED LAW ON WEAPONS AND EXPLOSIVES

Art. 1

(Purposes)

This Law is intended to regulate the purchase, holding, carrying, transport, trade, import, export, repair, demilitarisation and deactivation of weapons, related accessories, ammunition, pyrotechnic articles and explosives, thus ensuring a high level of public health and security, consumer and environmental protection.

Art. 2

(Scope)

The provisions of this Consolidated Law on weapons and pyrotechnic articles shall not apply:

- a) to military and civil police forces and to Forest Guards;
- b) to the Armed Forces of the Republic of San Marino;
- c) to pyrotechnic articles intended for use by the armed forces and police forces;
- d) to pyrotechnic articles used in the aeronautical and space industry, to pyrotechnic articles for marine equipment;
- e) to fireworks used directly by the manufacturer for shows performed by him/her or by his/her qualified employees authorised to operate in the country of origin;

- f) to percussion caps specifically intended for toys submitted to EC-Type Examination.

Art. 3
(General definitions)

For the purposes of this Law, “weapons” shall mean:

- a) any firearm as defined in Article 4 below;
- b) any type of bombs and any device containing explosive or incendiary substances, asphyxiating gases or toxic substances, whether for military or occasional purposes;
- c) firearms using as propulsion power compressed air or gas or other energy forms designed for the propulsion of projectiles through a barrel;
- d) all offensive weapons, i.e. pointed, cutting and blunt tools, including stun guns, whose original purpose is to cause injury to a person;
- e) all non-offensive weapons, i.e. those tools manufactured for other purposes, when they are also suitable of causing injury to a person and are used to that effect.

The definition of weapon shall not include firearms that have been definitively deactivated and can no longer be reactivated.

CHAPTER I
FIREARMS

Art. 4
(Firearm)

“*Firearm*” shall mean any portable barrelled weapon designed to expel projectiles by the action of a combustible propellant better referred to as propelling charge.

An object shall be considered as capable of being converted into a firearm if, for its technological characteristics, namely its mechanical structure and the quality of its materials, it can be converted to expel a shot.

Art. 5
(Prohibited firearms and parts thereof)

The holding, transport, carrying, sale and purchase of the following shall be prohibited:

- a) automatic weapons, better referred to as “*full-auto firearms*”;
- b) non-individual weapons;
- c) military launchers;
- d) any type of bombs and any device containing explosive or incendiary substances, asphyxiating gases or toxic substances, whether for military or occasional purposes;
- e) weapons whose functional characteristics and dimensions have been modified or altered;
- f) firearms disguised as other objects, except for those of historical and artistic interest qualified as such by the Technical Commission on Weapons and Explosives;
- g) weapons without the prescribed marks and identification markings referred to in Article 12 of this Law;
- h) devices designed and manufactured to be attached to weapons in order to diminish the sound caused by firing a firearm.

Art. 6
(Short and long firearms)

"*Short firearm*" shall mean a firearm whose barrel length is less than 30 cm or whose overall length does not exceed 60 cm. Any other firearm that exceeds the above-mentioned overall size shall be defined as long firearm.

Art. 7
(Part of a firearm)

"*Part of a firearm*" shall mean any element specifically designed for a firearm and essential to its mechanic and/or bursting operation. The above elements shall include the barrel, bolt or breech block, better referred to as "*bascule*", the frame, better referred to as "*receiver*", the breech-bolt and the cylinder.

Devices designed and manufactured to diminish the sound caused by firing a firearm shall be considered equivalent to parts of a firearm.

Art. 8
(Essential component of a firearm)

"*Essential component*" shall mean the breach-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted.

Art. 9
(Demilitarised and deactivated weapons)

"*Demilitarisation*" shall mean the technical operation by which a war firearm is converted into a weapon for civilian use.

"*Deactivation*" shall mean a technical operation by which a firearm is rendered irreversibly and permanently inoperable.

The technical operation of demilitarisation and deactivation shall be carried out by anyone who meets the specific professional requirements as verified through a relevant examination before the Technical Commission on Weapons and Explosives.

Art. 10
(Firearms for stage use)

"*Firearms for stage use*" shall mean firearms, the barrel of which is partially closed, with appropriate technical devices, for the sole purpose of preventing the expulsion of a projectile.

Firearms for stage use shall be under the responsibility of a dealer and shall be used under the constant supervision of said dealer or his/her delegated person.

Art. 11
(Modification of weapons)

Anyone who, in order to facilitate its carrying, use or concealment, modifies the mechanical characteristics or dimensions of a weapon by increasing its offensive potential, shall be punished pursuant to Article 252 quater of the Criminal Code.

Art. 12
(Marking of firearms)

At the time of manufacture, the following shall be indelibly affixed to an essential component of each firearm, the lack of which would render the firearm unusable: the name of the manufacturer, the country or place of manufacture, the serial number (with numeric or alphanumeric code), the year of manufacture or a code that makes it possible to identify the year of manufacture, the mark indicating that the firearm has been tested at a recognised proof house and any other mark required by the legislation in force in the country of manufacture or distribution.

CHAPTER II
OTHER WEAPONS

Art. 13
(General rules)

Bows, crossbows, cold weapons, low powered firearms, spearfishing guns, pointed and cutting tools may be freely held and carried outside the home only by persons who are at least 18 years of age and for a justified reason, i.e. for sporting or cultural and folklore events where the person carrying the weapon is an athlete or a performer.

The Weapons Office of the Gendarmerie shall establish, by means of a specific circular, the pointed and cutting tools that may be sold.

Without prejudice to the conditions referred to in the first paragraph, minors under 18 years of age shall be allowed to use the above-mentioned weapons and tools only within specifically equipped areas and in the presence of a responsible person, who is 18 or older, in compliance with the regulations issued by the respective sports Federations.

It shall be prohibited to carry the following outside the home: knuckle dusters, truncheons, spiked clubs, manfrusti, any kind of spring knives, better known as "*snap knives*", shuriken, sword sticks, electric shock equipment, better known as "*stun guns*".

Anyone infringing the provisions contained in the preceding paragraphs, unless the fact constitutes a more serious offence, shall be punished in accordance with Article 252 of the Criminal Code.

The sale of the weapons referred to in paragraph 1 above shall be governed by Articles 36 and 42 of this Law.

Art. 14
(Alarm guns, rocket launchers and tranquillizer guns)

Alarm guns and rocket launchers for rescue purposes can be freely bought, carried and held by anyone who is at least 18 and is the owner of a boat or carries out civil alpine rescue activities, only for their specific intended use.

Tranquillizer guns for veterinary use shall be treated as rocket launchers.

At the time of purchase, it shall be required to show a valid identity document and the operation shall be recorded on a specific register by the retailer.

Art. 15
(Low powered firearms and muzzle loading single shot weapons)

Low powered firearms shall mean firearms that use compressed air or cylinder gas as propulsion power and that generate power not exceeding 7.5 Joules. These firearms shall be freely sold to and held by persons of age.

At the time of purchase, it shall be required to show a valid identity document and the operation shall be recorded on a specific register by the retailer.

Firearms that generate power exceeding 7.5 Joule shall be treated as firearms and therefore be subject to the same legal obligations.

Muzzle loading single shot weapons shall be treated as low powered firearms and therefore be subject to the regulatory regime referred to in the first paragraph.

Art. 16

(Gaming tools, blank-firing weapons, inert replicas, airsoft guns, paintball)

Any tools intended to be used in play or sports activities, having the shape of a firearm or being a replica thereof, shall be considered as gaming or sports tools. All gaming or sports tools that generate a power between 0.50 and 7.5 Joules can be freely sold to anyone who is at least 18 and the provisions referred to in Article 13 above shall apply.

Toy stores can sell only tools that generate a power not exceeding 1 Joule.

Blank-firing weapons and inert replicas of firearms shall fall within this category.

It shall be allowed to use gaming tools such as paintball, which shoot bullets filled with inert coloured liquid, provided that the output speed of the projectile does not exceed 100 m/s and that they are used at authorised facilities having a specific license.

All tools referred to in this Article may be carried outside the home only for justified reasons, i.e. to be used in specifically equipped playing grounds, in the training of hunting dogs to firing or during authorised sports, cultural or folkloric events.

The violation of the provisions of this Article shall be punished with the administrative sanction from €2,000.00 to €10,000.00.

Art. 17

(OC pepper sprays)

OC (*oleoresin capsicum*) pepper sprays shall be classified as self-defence tools that can be freely sold and carried. Through the force of compressed gases or other systems, these tools spray an aerosol, foam or gel. They shall have the following technical characteristics:

- a) 20 ml maximum content of product;
- b) 10% maximum concentration of active substance, with a maximum concentration of total capsaicin and capsaicinoids equal to 2.5%;
- c) 3 m maximum radius of action;
- d) appropriate system of safety locks to prevent accidental activation;
- e) the substances contained shall not be flammable, toxic and corrosive.

Self-defence tools which comply with the provisions above can be freely sold to anyone who is at least 18, following the mandatory identification of the purchaser or transferee by the seller or transferor.

It shall be prohibited to sell, purchase and hold pepper sprays containing CS and CN gases as active substances.

All self-defence tools not complying with the provisions of this Article shall be considered as offensive weapons and it shall therefore be prohibited to carry them outside the home.

Art. 18

(Prohibition to carry self-defence tools and low powered weapons)

It shall be prohibited to carry self-defence tools, low powered firearms, guns and rocket launchers, as well as tranquillizer guns in public meetings, sports events and the like, except as provided for in the articles of this Chapter II.

Anyone violating the above provision shall be punished in accordance with Article 252 of the Criminal Code.

**CHAPTER III
AMMUNITION**

Art. 19

(Definitions)

The term "ammunition" shall mean the entire cartridge suitable to be used in a firearm. The cartridge is divided into the following components: casing, primer, propelling charge, ball or bullet or projectile. Casings, primers, balls or bullets or projectiles shall not be subject to the authorisations of the Gendarmerie.

For the purposes of this Law, gunpowder shall be treated as ammunition and therefore be subject to authorisation by the Gendarmerie. The purchase thereof shall therefore be restricted to anyone holding the Firearms Licence or Authorisation, with the consequent reporting obligation to the Gendarmerie.

Art. 20

(Prohibited ammunition)

It shall be prohibited to purchase, sell and hold self-propellant ammunition and ammunition with piercing, incendiary, tracer, exploding bullets, as well as ammunition specially loaded with harmful, irritating or toxic substances.

Art. 21

(Marking)

Each box of cartridges, i.e. each single packaging intended for sale shall bear the name of the manufacturer, any identification number of the production batch, the calibre and the type of ammunition, as well as any production year.

Art. 22

(Sanctions)

Except in the case of ammunition for sports or hunting use produced by the users themselves, it shall be prohibited to carry, place on the market, import, export, transfer and sell weapons and ammunition without the marking provided for in Articles 12 and 21 of this Law.

The violations referred to in the paragraph above, unless the fact constitutes a more serious offence, shall be punished in accordance with Article 252 ter of the Criminal Code.

CHAPTER IV

PURCHASE AND HOLDING OF WEAPONS, AMMUNITION AND POWDERS

Art. 23

(Firearms Licence and Authorisation)

The Gendarmerie shall issue the Firearms Licence or the Authorisation to purchase following verification that the applicant meets the requirements established. The Firearms Licence or the Authorisation enable the applicant to purchase weapons, ammunition and parts thereof, as well as Category 3 fireworks.

It shall be prohibited to sell or transfer weapons to anyone not holding the Firearms Licence or the Authorisation.

The Firearms Licence shall be issued only for sports or hunting activities after verification that the requirements referred to in Article 24 hereunder are met and it shall enable the applicant to purchase and carry firearms and ammunition legally held and to carry such firearms and ammunition only during sports or hunting activities.

The Firearms Licence shall have a 6-year validity. The Firearms Licence shall be renewed after verification that the requirements referred to in the first paragraph, letters b), c) and d) of Article 24 hereunder are still met.

In case the request for the Firearms Licence or the Authorisation explicitly excludes its use for sports or hunting activities, and therefore it is only for the purchase and holding of the weapons, the requirement in letter d) of Article 24 hereunder may also be limited to mental fitness.

Any person residing or with an ordinary stay permit in the Republic of San Marino, who holds, on whatever grounds, ammunition and powders, shall submit, every six years, or upon renewal of a specific license or firearms licence, specific medical documents certifying his/her mental and physical fitness. This requirement shall also be met by anyone having only the authorisation to hold weapons. The violation of this provision shall entail the revocation of existing authorisations and licenses and the immediate confiscation of the weapons.

The Firearms Licence for the purposes of using the weapon shall be valid upon payment of the annual membership fee to the respective Federations.

Anyone violating the provisions contained in the second paragraph, unless the fact constitutes a more serious offence, shall be punished in accordance with the third paragraph of Article 252 ter of the Criminal Code.

Art. 24

(Requirements to obtain the Firearms Licence and the Authorisation)

The Firearms Licence and the Authorisation shall be issued to anyone meeting the following requirements:

- a) having attained 18 years of age;
- b) residing in the territory of the Republic of San Marino;
- c) not having been convicted by a criminal judgement to more than one-year imprisonment for weapon-related crimes, crimes against the authority, crimes against the person, crimes related to public order, drug use and drunkenness;
- d) physical and mental fitness certified by the Complex Operative Unit of Primary Care and Territorial Health, in accordance with the criteria set out in Annex A of this Law.

As regards the firearms licence for sports, a "*Technical Certificate for the Handling of Weapons*", to be issued by the Target Shooting or Shooting Federation, is also required.

As concerns the firearms licence for hunting, in addition to the provisions of paragraphs a), b), c) and d), a "*Hunting Fitness Certificate*", as referred to in Article 9 of Law no. 18 of 5 June 1972 and subsequent amendments, is required.

The "*Technical Certificate for the Handling of Weapons*" and the "*Hunting Fitness Certificate*" shall be issued upon completion of a theoretical and practical exam, in which the candidate shall demonstrate knowledge of the main topics in the field of weapons, ammunition, powders for the loading of cartridges, as well as of the relevant legislation in this field and of safety

standards relating to handling, storage, carrying and use of firearms.

A specifically delegated officer of the Weapons Office of the Gendarmerie shall be a member of the respective examination committees for the issue of the "*Technical Certificate for the Handling of Weapons*" and the "*Hunting Fitness Certificate*".

Art. 25

(Denial and revocation of the Firearms Licence and the Authorisation)

The Gendarmerie, with a reasoned decision, can deny, suspend and revoke the police authorisations referred to in Article 23 with respect to anyone failing to meet, in whole or in part, the subjective requirements indicated in Article 24 above and can order the seizure of the weapons or ammunition.

The weapon seized, although remaining in the custody of the Gendarmerie, can be sold by the person subject to the seizure order to another person who meets the requirements established for the purchase. If, after 30 days from the seizure, the holder of the weapon seized has not sold it or has not requested a reasoned extension, the weapon shall be confiscated. In case of confiscation of a tampered weapon, the latter can be deactivated and depowered or destroyed; the other weapons confiscated and those restored to their original characteristics shall be sold and the State shall retain the relevant proceeds.

Art. 26

(Residents)

Anyone residing in the Republic of San Marino who, on whatever grounds, intends to buy, hold, transfer, carry or transport weapons, ammunition or powders for the loading of cartridges shall obtain a special Authorisation or the Firearms License from the Gendarmerie.

Art. 27

(Non-residents)

Anyone not residing in the territory of the Republic of San Marino who intends to buy weapons, ammunition or powders for the loading of cartridges shall obtain an Authorisation, or similar title, issued by the Authorities of the State of residence, recognised by the Republic of San Marino, which shows that he/she is entitled to the purchase, and shall submit a valid identity document. If the Authorisation, or similar title, is in a foreign language, it shall be accompanied by a sworn translation in Italian.

The holder of a license referred to in Article 36 hereunder shall request the Authorisation to the Weapons Office of the Gendarmerie before selling short weapons.

For Italian residents, the purchase and movement of weapons, ammunition, powders for the loading of cartridges and pyrotechnic articles shall be regulated by means of a specific delegated decree in accordance with technical agreements signed in this matter between the Department of Public Security of the Ministry of the Interior of the Italian Republic and the Department of Foreign Affairs of the Republic of San Marino.

Art. 28

(Quantitative limits of weapons)

Anyone residing in the territory of the Republic of San Marino who is 18 or older and holds the Firearms Licence or Authorisation issued by the Gendarmerie can hold a maximum number of 20 firearms. Beyond this limit, a specific authorisation shall be requested to the Weapons Office of the Gendarmerie, which can grant it after verification of the storage places and security and anti-intrusion systems. The weapons held shall be kept with the utmost diligence in the place indicated in the report, which guarantees adequate security and is not accessible to minors under 18,

strangers, persons incapable or inexperienced in the handling of weapons.

Art. 29

(Quantitative limits of ammunition)

Anyone residing in the Republic of San Marino, who holds the Firearms Licence or Authorisation issued by the Gendarmerie can hold up to a maximum of 1,500 cartridges and 5 Kg of gunpowder.

For holders of the Firearms Licence for hunting, the maximum number of cartridges is extended to 3,000.

The members of San Marino Target Shooting Federation participating in competitions can request that the number of cartridges be extended from 1,500 to 3,000 by submitting to the Weapons Office of the Gendarmerie the specific request, to be endorsed by the relevant sports Federation. The authorisation shall have an annual duration.

The holding of shot cartridges shall have no limitation.

Art. 30

(Shooting sports clubs)

Legally recognised shooting sports clubs, federations and associations can hold weapons and ammunition in excess of the limits specified in the preceding Articles 28 and 29. Weapons and ammunition shall be recorded onto specific registers complying with the provisions referred to in Articles 39 and 40 hereunder.

Ammunition purchased from San Marino authorised dealers may be sold by the entities referred to in the first paragraph, after the import tax has been paid, to associated shooters, following registration, to be used in the sports activities of the club and shall not be carried out of the shooting facility.

Art. 31

(Gathering and collection of weapons of war)

Single persons, either legal entities or individuals, shall not hold collective, unit or team weapons, parts and accessories thereof; therefore, they can be transferred to associations or public or private entities of historical or cultural interest entitled to collect said weapons or, as an alternative, to the Gendarmerie. Ammunition of collective, team or unit weapons shall not be held.

Weapons of war held in a collection shall be transferred by means of a deed *inter vivos* only to another natural or legal person holding a license to collect weapons.

Several perfectly identical weapons with no difference from one another shall not be held in a collection.

The weapons installed on war vehicles shall be deactivated and bear the relevant certificates issued by a qualified dealer.

Bombs, mines, artillery projectiles, any other explosive device or artifice that contains active explosive parts shall not be held in a collection.

The issuance of the "*License to collect weapons of war*" shall be subject to compliance with the subjective requirements for the issuance of the Authorisation or Firearms Licence referred to in the preceding Article 24 and with the security requirements established by the Gendarmerie concerning the suitability of the premises and storage modalities.

Anyone who, upon entry into force of this Law, has collected weapons of war, parts and accessories thereof, of historic interest and produced prior to 1945, can hold them by requesting the "*License to collect weapons of war*" to the Gendarmerie.

Anyone violating the prohibitions or failing to comply with the requirements referred to in this Article shall be punished with third-degree imprisonment or daily fine and seizure of the weapons. Seized weapons shall be destined to the State Museums.

Art. 32

(Collecting weapons of war in the museums)

The legal representatives of museums, associations, public or private entities, in which weapons of war, parts thereof, war ammunition, as well as collections of firearms of particular historical or artistic interest are held, shall be obliged to keep a specific register endorsed by the Weapons Office of the Gendarmerie that lists all items held. They shall also regularly update the register, which shall be accessible upon request of the Gendarmerie.

CHAPTER V REPORTING OBLIGATION

Art. 33

(Purchase, transfer, introduction of a firearm)

Anyone who, on whatever grounds, buys, receives, transfers or introduces a firearm into the territory of the Republic of San Marino shall report it at the Gendarmerie Headquarters within 3 days following the purchase, receipt, transfer or introduction of the weapon.

In case of transfer because of death, the time-limit established shall be 30 days. The same obligation shall be extended to ammunition and powders for the loading of cartridges, with the exclusion of shot cartridges used for hunting or shooting sports.

In case of purchase at armouries located in the territory of the Republic of San Marino, the reporting procedures to the authority shall be carried out by the dealer.

The report shall indicate the model, make, calibre, serial number of the weapon, the identification data of the previous owner, the place where the weapon will be kept and stored. The reporting obligation shall be extended also to the parts of the firearm bearing the marking, to ammunition and to powders for the loading of the cartridges.

Those residing in the Republic of San Marino may transfer weapons only to persons entitled to purchase and hold them, i.e. holding a valid Authorisation or Firearms License. The transferor shall fill in a "*Declaration of weapon transfer*", to be attached to the report, indicating the model, make, calibre, serial number of the weapon and the data of the Firearms License or Authorisation of the transferee.

The report referred to in the first paragraph shall be submitted again in case of transfer of weapons from the place of holding to another place.

Upon express written authorisation of the Weapons Office of the Gendarmerie, weapons legally purchased, received or held may be entrusted, for the purposes of their custody, to security agencies, institutes or bodies having appropriate storage facilities, whose objective requirements are at least the same as those envisaged in Article 43 of this Law.

In addition to the above provisions, anyone not residing or holding a stay permit in the Republic of San Marino shall not introduce a firearm into its territory, except in the following cases: he/she exercises sports or hunting activities previously authorised by the respective Federation of the reference sector or is regularly enrolled therein. In addition, transport shall be allowed only for the purpose of delivery of the firearm, on whatever grounds, to an armoury, with the obligation of prior notification to the Weapons Office of the Gendarmerie by the armoury receiving the delivery.

Art. 34

(Theft and loss)

Anyone holding weapons, ammunition or powders or explosives shall be obliged to report immediately to the Gendarmerie the loss, theft, removal thereof or of parts of them.

In case of impossibility to submit a report, he/she shall immediately inform the Gendarmerie by telephone or fax and show up in person within the next three days to sign the relevant verbatim record.

Failure to submit a report or inform the Gendarmerie shall be punished in accordance with Article 252 bis of the Criminal Code.

Art. 35

(Loan of weapons)

The loan of legally held firearms shall be allowed for hunting or sports activities, provided that the transferee is an entitled person pursuant to Article 23 of this Law, without prejudice to the obligation to report to the Gendarmerie, within two days, that the firearm has been received on loan.

The reporting obligation referred to in the paragraph above shall not apply in case the temporary loan of the weapon for sports or hunting activities takes place in the presence of the owner of the firearm and in favour of a person holding the police authorisations to hold and use the weapon.

If the loan of weapons takes place within shooting sports facilities and legally recognised federations and associations, in favour of their members, the annotation in the appropriate register shall be deemed sufficient.

CHAPTER VI

PROFESSIONAL EXERCISE OF ECONOMIC ACTIVITIES IN THE SECTOR OF WEAPONS, AMMUNITION, POWDERS AND SELF-DEFENCE TOOLS

Art. 36

(Armouries)

Any natural or legal person who intends to exercise the professional activity of retail trade in firearms, parts thereof, ammunition, powders for the loading of cartridges, cold weapons, gaming tools such as paintball, in which the output speed of the projectile does not exceed 100 m/s, pyrotechnic articles of Category 1, 2, 3, 4, T1, T2 and P1, P2 referred to in Article 54, self-defence tools, knuckle dusters, truncheons, spiked clubs, manfrusti, spring knives, better known as dusters, shuriken, sword sticks, electric shock equipment, better known as stun guns, OC pepper sprays,

without prejudice to the requirements for the issue of licenses in accordance with the regulations in force, shall also:

- a) not have been convicted by a criminal judgement, in the Republic of San Marino or abroad, to more than one-year imprisonment for weapon-related crimes, crimes against the authority, crimes against the person, crimes related to public order, drug use and drunkenness;
- b) hold the certificate of good conduct;
- c) hold the certificate of mental fitness issued by the Complex Operative Unit of Primary Care and Territorial Health;
- d) have obtained the "*Certificate of technical skills as arms dealer*" referred to in Article 51 hereunder.

In case of a legal person, the aforementioned requirements referred to in letters a), b), and c) shall be met by the shareholders and employees of the company, as well as by the director.

In any case, anyone who, on whatever grounds, works as salesperson at the armoury shall meet the requirement referred to in letter d) of paragraph 1 above.

The issuance of the license shall be subject to compliance with the suitability requirements of the premises referred to in Article 37 hereunder.

Art. 37

(Suitability of premises used for the sale of weapons)

The premises where the weapons referred to in the preceding Article 36 are sold shall meet the following objective requirements:

- a) external burglar-proof glasses;
- b) burglar-proof and locked showcases and internal windows;
- c) powders for the loading of cartridges shall be kept out of the reach of customers or unauthorised persons;
- d) suitable fire prevention system;
- e) internal intruder alarm system connected with a security agency and/or the Gendarmerie Headquarters, with subscription fee;
- f) suitable explosion-proof electrical system in the premises used for the storage of loose powders;
- g) connection to the server of the Gendarmerie for the electronic recording on the central computerised archive.

The technical characteristics of letters a), b), d) and f) of the preceding paragraph shall be defined by means of a specific delegated decree.

Art. 38

(Sales procedures)

All firearms, low powered firearms, ammunition, powders for the loading of cartridges, fireworks of Category 3, T1 and P1 shall be sold following identification of the buyer and recording of the operation in ad-hoc registers.

For Category 2 fireworks it shall only be required to identify the buyer.

Before selling short firearms, arms dealers shall request the Authorisation to the Weapons Office of the Gendarmerie.

The registers shall comply with the provisions contained in Articles 39 and 40 hereunder.

Compulsory identification shall be extended to all items subject to the obligation of "*selling only to anyone who is 18 or older*" referred to in Articles 13 and 15 and which do not have any distinctive marking.

Unless the fact constitutes a more serious crime, anyone who fails to comply with the law provisions relating to the identification and registration obligation shall be punished in accordance with Article 252 ter of the Criminal Code.

Art. 39
(Weapons register)

The holders of the licences referred to in Article 36 shall establish and maintain throughout their activity period a register in which all inbound and outbound firearms shall be recorded. In particular:

- a) type of weapon;
- b) make and model;
- c) calibre;
- d) serial number;
- e) names and addresses of the supplier and the buyer;
- f) details of the title of purchase;
- g) date and hour of transactions.

The register shall have progressively numbered pages and shall be endorsed by the Gendarmerie. It shall be produced whenever so required by the Gendarmerie and kept for a period of 50 years. At the time of termination of the activity, the register shall be delivered to the Weapons Office of the Gendarmerie.

In addition to the aforesaid paper recording, any movement of incoming and outgoing weapons shall be reported, by electronic means, to the computerised central archive of the Gendarmerie.

Art. 40
(Ammunition register)

The holders of the licences referred to in Article 36 shall establish and maintain throughout their activity period a register in which all inbound and outbound ammunition and powders for the loading of cartridges shall be recorded. In particular:

- a) type of ammunition;
- b) make and model;
- c) calibre;
- d) quantity;
- e) names and addresses of the supplier and the buyer;
- f) details of the title of purchase;
- g) date and hour of transactions.

The register shall have progressively numbered pages and shall be endorsed by the Weapons Office of the Gendarmerie. It shall be produced whenever so required by the Gendarmerie and kept for a period of 50 years. At the time of termination of the activity, the register shall be delivered to the Gendarmerie, which shall keep it for 50 years.

In addition to the aforesaid paper recording, the arms dealer shall report, by electronic means, to the computerised central archive of the Gendarmerie any movement of incoming and outgoing ammunition and powders.

Shot cartridges for hunting and sporting purposes shall be excluded from the registration obligation.

Art. 41
(Computerised central archive)

A computerised central archive shall be established at the Gendarmerie Headquarters. All data referred to in Articles 39 and 40 of this Law shall be recorded in such archive and kept for 50 years.

Art. 42
(Light armouries)

Any natural or legal person intending to professionally trade in firearms and gaming tools that shoot bullets generating power not exceeding 7.5 Joules, OC pepper sprays, blank-firing weapons and relevant ammunition, inert reproductions of firearms, pointed and cutting tools, without prejudice to the requirements for the granting of licences according to current legislation, shall also satisfy the requirements referred to in Article 36.

The sale of knuckle dusters, truncheons, spiked clubs, manfrusti, shuriken, sword sticks, electric shock equipment, better known as “stun guns”, shall be prohibited.

In addition, also the sale of any other type of self-defence weapon or object that can offend a person, including ammunition, gunpowder and fireworks, shall be prohibited.

The issuance of a license shall be subject to the fulfilment of the suitability requirements of the premises referred to in Article 43 hereunder.

Art. 43
(Suitability of premises)

The premises where the weapons and tools referred to in the preceding Article 42 are sold shall meet the following objective requirements:

- a) external burglar-proof glasses and showcases;
- b) pointed and cutting tools shall be kept in locked internal windows and showcases;
- c) any sale of other items other than the weapons and tools mentioned above shall take place in a different department;
- d) internal intruder alarm system connected with a security agency and/or the Gendarmerie Headquarters, with subscription fee.

The technical characteristics of letter a) of the preceding paragraph shall be defined by an ad hoc delegated decree, as mentioned in Article 37.

Art. 44
(Sales register)

Dealers selling the weapons and tools referred to in Article 42 above shall establish and maintain throughout their activity period a register in which all inbound and outbound firearms and gaming tools generating power exceeding 0.99 Joules shall be recorded. In particular:

- a) type of low powered weapons or gaming tools;
- b) make and model;
- c) any calibre;
- d) any identification marks;
- e) details and address of the buyer;
- f) details of the identity document presented;
- g) date and hour of the transaction.

The register shall have progressively numbered pages and shall be endorsed by the Weapons Office of the Gendarmerie.

It shall be produced whenever so required by the Gendarmerie and kept for a period of 50 years. At the time of termination of the activity, the register shall be delivered to the Weapons Office of the Gendarmerie, which shall keep it for 50 years.

In addition to the aforesaid paper recording, the arms dealer shall report, by electronic means, to the computerised central archive of the Gendarmerie any movement of incoming and outgoing low powered weapons or gaming tools.

Art. 45

(Street vending)

Street vending of firearms, self-defence tools, low powered firearms, except those generating power not exceeding 1 Joule, and the offensive objects and tools referred to in Article 13, third paragraph of this Law shall be prohibited.

Art. 46

(Online sale)

The online sale of firearms, ammunition and powders, paintball and all those items that can be sold only to people over 18, with the exclusion of gaming tools such as soft air guns generating a power not exceeding 1 Joule, shall be prohibited.

**CHAPTER VII
WHOLESALE TRADE, IMPORT AND EXPORT**

Art. 47

(Wholesale trade, import and export)

Any natural or legal person intending to carry out professional wholesale trade, import or export of cold weapons, pyrotechnic articles, self-defence tools, knuckle dusters, truncheons, spiked clubs, manfrusti, spring knives, better known as dusters, shuriken, sword sticks, electric shock equipment, better known as "stun guns", OC pepper sprays, firearms and gaming tools that shoot bullets generating power not exceeding 7.5 Joules, such as paintball, provided that the output speed of the projectile does not exceed 100 m/s, blank-firing weapons, inert reproductions of firearms, pointed and cutting tools shall hold a special license issued in accordance with the laws in force.

The necessary subjective requirements are the same as those referred to in Article 36.

The wholesale trade, import and export of firearms, powders and ammunition shall be prohibited.

The premises used for trading in the materials mentioned in the preceding first paragraph shall have:

- a) burglar-proof glasses;
- b) internal intruder alarm system connected with a security agency and/or the Gendarmerie Headquarters, with subscription fee.

The technical characteristics of letter a) of the preceding paragraph shall be defined by an ad hoc delegated decree, as mentioned in Article 37.

In case of explosive materials, the objective requirements of the storage premises shall be defined by the Technical Commission on Weapons and Explosives.

Art. 48

(Traceability of weapons)

The holders of the licence referred to in Article 47 shall establish and maintain throughout their activity period a register in which all transactions made shall be recorded in detail. In particular:

- a) country of origin of the materials;
- b) name and address of the manufacturer or supplier;
- c) type of materials;
- d) quantity;
- e) make and model;
- f) calibre in case of firearms;
- g) possible lot numbers;
- h) serial number or other type of marking;
- i) date of the transaction;
- j) natural or legal person to whom they are transferred.

Any other information required by the San Marino legislation on trade with EU and non EU countries shall be recorded.

The register shall have progressively numbered pages and shall be endorsed by the Weapons Office of the Gendarmerie. It shall be produced whenever so required by the Gendarmerie and kept for a period of 50 years. At the time of termination of the activity, the register shall be delivered to the Weapons Office of the Gendarmerie, which shall keep it for 50 years.

In addition to the aforesaid paper recording, any movement of incoming and outgoing weapons shall be reported, by electronic means, to the computerised central archive of the Gendarmerie.

CHAPTER VIII

TECHNICAL COMMISSION ON WEAPONS AND EXPLOSIVES

Art. 49 *(Composition)*

The Technical Commission on Weapons and Explosives is hereby established. The Commission shall be composed of the Commander of the Gendarmerie or his delegate, the Director of the Office for Industry, Handicraft and Trade, a representative appointed by the professional associations, the Director of the Civil Protection Service or his delegate and the Director of the Department of Safety at Work or his delegate. The Commission shall be presided over by the Commander of the Gendarmerie. If the circumstances so require, the Commission may appoint, from time to time, additional members as experts having a specific competence.

Art. 50 *(Assignments)*

The Technical Commission on Weapons and Explosives shall express its opinion about the suitability of the premises and places where weapons, explosives, gunpowder and pyrotechnic powder are traded, repaired, demilitarised, deactivated and stored.

It shall also act as Examination Board for obtaining the qualification as arms dealer and specialist in pyrotechnic articles.

Art. 51 *(Technical skills certificate for arms dealers)*

Anyone who intends to be qualified as arms dealer shall obtain a special certificate attesting attendance of the training course for the assessment of the necessary technical skills in the field of weapons, ammunition, powders and pyrotechnic articles and the passing of the final examination.

The courses shall be organised by the Vocational Training Centre, which shall take account of the specific type of activity to be performed.

At the end of the courses, the Technical Commission on Weapons and Explosives shall examine the candidates to ascertain the competence necessary to perform the technical tasks required.

CHAPTER IX PYROTECHNIC ARTICLES

Art. 52

(Definitions of pyrotechnic articles)

For the purposes of this Law, the following definitions shall apply:

- a) *pyrotechnic article*: any article containing explosive substances or an explosive mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reactions;
- b) *fireworks*: pyrotechnic articles intended for leisure;
- c) *theatrical pyrotechnic articles*: pyrotechnic articles designed for indoor or outdoor stage use;
- d) *pyrotechnic articles for vehicles*: components of safety devices in vehicles, which contain pyrotechnic substances used to activate these devices;
- e) *NEQ (net equivalent amount)*: the amount of active explosive material in a pyrotechnic article and indicated in the certificate of conformity issued by the competent notified body.

Art. 53

(Definitions of the parties)

For the purposes of this Law, the following definitions shall apply:

- ⓐ *importer*: any natural or legal person holding the relevant license, who places a pyrotechnic article originating from a foreign country on the market for the first time;
- ⓑ *distributor*: any natural or legal person in the supply chain, who makes a pyrotechnic article available on the market;
- ⓒ *person with specialist knowledge*: any person who has obtained, under the current legislation, the technical skills to use and handle Category 4 fireworks, Category T2 theatrical articles and other Category P2 pyrotechnic articles, as defined in Article 54 hereunder.

Art. 54

(Classification of pyrotechnic articles)

The classification of pyrotechnic articles shall comply with the relevant EU regulations laid down in Annex B to this Law. Therefore, the reference categories shall be as follows:

- a) fireworks:
 - Category 1*: fireworks which present a very low potential hazard and negligible noise level and which are intended for use in confined areas or inside buildings;

Category 2: fireworks which present a low potential hazard and low noise level and which are intended for outdoor use in open, confined areas;

Category 3: fireworks which present a medium potential hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to health;

Category 4: professional fireworks which present a high potential hazard, which are intended for use only by “*persons with specialist knowledge*” referred to in letter c) of Article 53 of this Law and whose noise level is not harmful to health;

b) theatrical pyrotechnic articles:

Category T1: pyrotechnic articles for stage use which present a low hazard;

Category T2: professional pyrotechnic articles for stage use which are intended for use only by persons with specialist knowledge;

c) other pyrotechnic articles:

Category P1: pyrotechnic articles, other than those indicated in letters a) and b) above, which present a low hazard;

Category P2: pyrotechnic articles, other than those indicated in letters a) and b) above, which are intended for use only by persons with specialist knowledge.

Art. 55

(Pyrotechnic specialist)

The use, for any reason whatsoever, of Category 4 fireworks, Category T2 theatrical pyrotechnic articles and other Category P2 pyrotechnic articles shall be reserved exclusively to persons who have successfully completed the prescribed pyrotechnics training course organised by the Vocational Training Centre with final examination before the Technical Commission on Weapons and Explosives.

Art. 56

(Selling limits)

Pyrotechnic articles shall not be sold or otherwise made available to consumers below the following age limits:

a) fireworks:

Category 1: 14 years of age;

Category 2: 18 years of age, upon presentation of a valid identity card;

Category 3: 18 years of age, upon presentation of the Authorisation or Firearms Licence and registration of sale;

b) other pyrotechnic articles and theatrical pyrotechnic articles:

Categories T1 and P1: 18 years of age, upon presentation of a valid identity card.

Importers and distributors shall sell or otherwise make available the following pyrotechnic articles exclusively to persons with specialist knowledge:

a) Category 4 fireworks;

b) Other Category P2 pyrotechnic articles and Category T2 theatrical pyrotechnic articles.

Retail sales of pyrotechnic articles in the historic centre of the Capital, as defined by the sector-related law, shall be limited to the periods from 1 December to 6 January and from 1 August to 31 August. The violation of this provision shall be punished with an administrative sanction from €100.00 to €5,000.00.

Art. 57

(Obligations of importers and distributors)

Distributors shall verify that pyrotechnic articles made available on the market bear the CE marking and are accompanied by the required documentation.

Art. 58

(CE conformity marking)

Under this Law, it shall be prohibited to hold, use, sell or transfer on whatever grounds, as well as to transport, import or export pyrotechnic articles that do not bear the EC marking.

The violations referred to in the paragraph above, unless the fact constitutes a more serious offence, shall be punished with an administrative sanction from €1,000.00 to €5,000.00.

Art. 59

(Market surveillance)

The Gendarmerie, with the assistance of the Civil Protection Service, shall carry out all inspections and activities to ensure that pyrotechnic articles are placed on the market only if, when properly stored and used for their intended purposes, they do not endanger the health and safety of persons.

In order to ensure market surveillance, the Gendarmerie shall take all appropriate measure to:

- a) carry out regular controls and inspections on pyrotechnic articles upon their entry into the territory of the Republic of San Marino and at the sites where they are stored and sold;
- b) take samples of pyrotechnic articles for the tests and analyses necessary to determine their safety;
- c) withdraw and prohibit the placing on the market of those pyrotechnic articles which, although complying with the law requirements, as a result of the checks carried out, are likely to endanger the health and safety of persons.

Any costs incurred for the disposal of pyrotechnic articles removed from the market under letter c) above, shall be borne by the importer or the distributor who placed them on the market.

Art. 60

(Explosives for civil uses, with the exclusion of powders intended for refilling cartridges for firearms)

The trade, holding and transport of explosives for civil use shall be prohibited, except for individual operations previously authorised by the Gendarmerie after having received the opinion of the Ministry of Industry, Handicraft and Trade. This paragraph shall not apply to powders intended for the refilling of cartridges for firearms.

Subject to prior authorisation of the Gendarmerie, having heard the opinion of the Ministry of Industry, Handicraft and Trade, special authorisations to hold samples of explosives for the purposes of research, development, study and the like may be granted according to the terms established by the Technical Commission on Weapons and Explosives.

Anyone infringing the provisions referred to in the first paragraph, unless the fact constitutes a more serious offence, shall be punished with second-degree imprisonment or daily fine.

Art. 61

(Production of weapons, explosives and pyrotechnic articles)

It shall be prohibited to manufacture weapons, explosives and pyrotechnic articles.

This Article may be amended by means of a delegated decree, which shall in any case envisage the technical provisions concerning manufacturing modalities suitable to protect public health and security.

Art. 62

(Professional activity of repair, deactivation and demilitarisation of weapons)

The professional activity of repair, deactivation and demilitarisation of weapons shall be regulated by means of a specific delegated decree.

Art. 63

(Amendment of Article 251 of the Criminal Code)

Article 251 of the Criminal Code shall be amended as follows:

“Art. 251

(Illegal manufacturing, circulation, firing and carrying of weapons, bombs, explosive devices and flammable or explosive materials)

Second-degree imprisonment or second-degree arrest shall apply to anyone who, without the required authorisations:

- a) manufactures, introduces in the territory of the Republic, puts into circulation, holds for the purpose of putting into circulation offensive weapons, bombs, gas, explosive devices or flammable or explosive materials, self-propellant ammunition, ammunition with piercing, incendiary, tracer, exploding bullets, as well as ammunition specially loaded with harmful, irritating or toxic substances;
- b) sets off mines;
- c) shoots with firearms, ignites fireworks, launches rockets or causes dangerous ignitions or explosions in inhabited areas or towards them;
- d) carries an offensive weapon outside the home.

Anyone who sells or transfers fireworks or other pyrotechnic articles to minors under the age of 14, unless the fact constitutes a more serious offence, shall be punished with first-degree imprisonment or third-degree daily fine; if the fireworks fall within Category 1 referred to in Article 54 of the Consolidated Law on weapons and explosives, first-degree daily fine shall apply.

Unless it constitutes a more serious offence, imprisonment up to the third degree or daily fine from €5,000.00 to €12,000.00 for each violation shall apply to anyone who sells, even to persons older than 18 years of age, fireworks and pyrotechnic articles in violation of the provisions in force in this field."

Art. 64

(Amendment of Article 252 of the Criminal Code)

Article 252 of the Criminal Code shall be amended as follows:

“Art. 252

(Failure to apply precautions in the custody of weapons, explosives, bombs, gas and explosive devices)

Second-degree imprisonment shall apply to anyone who fails to report to the competent authority the purchase, holding or discovery of weapons, ammunition, bombs, other explosive or flammable devices, as well as the transport of civil explosives as required by the laws in force in this field.

First-degree imprisonment shall be applied to anyone who:

- a) delivers to persons less than 18 years of age, not belonging to a sports federation, to persons not holding a firearms licence, or to persons with mental incapacity, even partial, or handling incapacity, offensive weapons, bombs, explosive devices or explosive or flammable materials, enables such persons to carry them or fails to apply the necessary precautions to prevent such persons from taking possession of them;
- b) although holding the Firearms Licence, carries an offensive weapon outside the home or its adjacency without any justified reason;
- c) holds weapons and ammunition beyond the quantities permitted by the laws in force in this field.

Third-degree daily fine shall apply when the fact referred to in letter a) of the preceding paragraph is committed:

- a) in areas destined to shooting;
- b) in areas where hunting activities are allowed.

Third-degree imprisonment (from six months to three years) shall apply when the facts referred to in the preceding paragraphs concern weapons altered or deprived of their serial number, illegal ammunition or explosives.

Anyone who carries out professional activities involving weapons or explosives or is allowed to collect or gather weapons shall be punished with third-degree imprisonment or daily fine if he fails to adopt or maintain the efficiency of anti-theft devices required by the laws in force in this field."

Art. 65

(Amendment of Article 252 bis of the Criminal Code)

Article 252 bis of the Criminal Code shall be amended as follows:

“Art. 252 bis

(Failure to report the loss and theft of a weapon)

Anyone who fails to report to the Gendarmerie Headquarters the loss or theft of a weapon or part thereof or of explosives of any kind shall be punished with third-degree daily fine (from twenty to sixty days).

Anyone who finds a weapon or parts thereof or explosives of any kind, or becomes aware of deposits or discoveries of explosives, shall be required to immediately inform the Gendarmerie Headquarters, under penalty of third-degree arrest (from one to three months) or third-degree daily fine (from twenty to sixty days)."

Art. 66

(Amendment of Article 252 ter of the Criminal Code)

Article 252 ter of the Criminal Code shall be amended as follows:

“Art. 252 ter

(Illicit holding, trafficking or sale of weapons)

Anyone who buys, sells, delivers, holds, transports or transfers firearms, their parts or ammunition without the serial numbers or other identification sign prescribed by the laws in force on weapons shall be punished with third-degree imprisonment (from four to ten years).

Fourth-degree imprisonment shall apply if the serial numbers of weapons are removed, altered or counterfeited, or in case of war weapons.

Anyone who holds offensive weapons without the authorisations required by law shall be punished with first-degree imprisonment. The same punishment shall apply to anyone who, although holding the authorisations required by law, carries a weapon in public places or places open to the public without any justified reason.

Second-degree imprisonment shall apply to anyone who sells or transfers weapons to any person without the required authorisations to hold or purchase weapons. The same punishment shall apply to anyone who transfers weapons without following the required procedures for the identification and registration of the transfer.

Third-degree imprisonment or a fine from €250.00 to €1,000.00 shall apply to anyone who introduces, receives or buys weapons, ammunition or powders without reporting them to the authorities as required by law. The same punishment shall apply to anyone who, on whatever grounds, holds weapons or ammunition without having reported them to the authority and to anyone who fails to report the transfer of weapons in accordance with the legislation in force.

In cases of repeated violations provided for and punished under this Article, the Judge may apply fourth-degree disqualification from trade."

Art. 67

(Integration to the Criminal Code)

After Article 252 bis of the Criminal Code, the following articles shall be added:

“Art. 252 quater

(Modification of weapons)

Anyone who modifies the mechanical characteristics or the size of a weapon in order to make it easier to carry, use or conceal, or to increase its offensive potential, shall be punished with second-degree imprisonment and third-degree daily fine.

Art. 252 quinques

(Sanctions for the illicit holding, purchase or sale of weapons)

Anyone who fails to apply, in the custody of weapons, the precautions established by law shall be punished with third-degree imprisonment or the fine from €500.00 to €1,000.00.

Anyone who fails to keep and maintain the registers required for the identification of transferees of weapons, ammunition and gunpowder shall be punished with a maximum of second-degree imprisonment or with second-degree daily fine.

Art. 252 sexies

(Holding of prohibited weapons)

Anyone who holds weapons of war or their ammunition, bombs, mines, artillery projectiles or any other explosive device or artifice that contains particularly dangerous active explosive parts, or in any case weapons whose holding is prohibited, shall be punished with imprisonment up to fourth degree."

Art. 68

(Transitional rules)

Anyone who, at the time of entry into force of this Law, has been holding a licence for the activities referred to in Articles 36, 42 and 47 for more than ten years shall be exempted from attending the course to become arms dealer.

Commercial intermediation in the sector of weapons, ammunition, explosives and pyrotechnic articles shall be carried out exclusively by economic operators, whose licence and/or corporate purpose explicitly indicates this sector.

The issuance of licences in the sector covered by this Law shall be subject to prior authorisation by the Congress of State.

Private owners of weapons, ammunition or other tools, whose holding is limited under this Law, shall report, by 31 December 2012, the possession thereof in order to regularise such holding. In this case, they shall not be subject to the sanctions applied for the holding of weapons without any Authorisation or Firearms Licence.

A delegated decree shall establish the passport of weapons for sports and/or hunting activities, which may be issued to the holders of the Firearms Licence or to anyone interested in using weapons outside the territory.

Art. 69

(Repealed legislation)

The following shall be repealed:

- a) Law no. 40 of 13 March 1991 and subsequent amendments;
- b) Decree-Law no. 180 of 16 November 2011;
- c) Delegated Decree no. 98 of 20 September 2006;
- d) Law no. 45 of 29 April 1997;
- e) Decree no. 71 of 14 September 1992.

Art. 70

(Entry into force)

This Law shall enter into force on the hundred-twentieth day following that of its legal publication.

Done at Our Residence, on 10 August 2012/1711 since the Foundation of the Republic

THE CAPTAINS REGENT
Maurizio Rattini – Italo Righi

THE MINISTER OF
INTERNAL AFFAIRS
Valeria Ciavatta

ANNEX A

Art. 1

The minimum psychological and physical requirements for the issuance and renewal of the Firearms Licence for sports or hunting activities shall be the following:

- 1) visual requirements: visual acuity of at least 8/10 for the eye that sees better, which can be achieved with positive or negative spherical or cylindrical lenses of any dioptric value; the visual acuity can also be achieved by means of contact lenses, also associated to eyeglasses. For one-eyed persons due to organic and functional reasons, the visual acuity shall be of at least 8/10, also achievable with normal or corneal corrective lenses or with the use of both. Sufficient chromatic sense with perception of fundamental colours, which can be verified with the test of coloured skeins;
- 2) hearing requirements: hearing threshold not exceeding 30dB in the better ear (threshold means the average value of the audiometric threshold expressed in dB HL by air to the frequencies of 500, 1000, 2000 Hz) or, alternatively, perception of conversation voice with combined phonemes at a total distance of not less than six meters. This requirement can also be achieved with the use of adequate acoustic prostheses. In case of threshold values higher than those indicated above, fitness shall be limited to ambush hunting;
- 3) adequate functional capacity of the upper limbs and of the spine, which can be achieved, in case of disability, also with suitable prosthetic or orthotic devices that potentially allow the safe handling of the weapon;
- 4) absence of neurological alterations that may interfere with the state of vigilance or which have debilitating repercussions of a motor, static and/or dynamic nature;
- 5) absence of documented mental, personality or behavioural disorders, in particular, of dependence on drugs, psychotropic substances and alcohol. Lack of fitness shall also result from the use, even occasional, of drugs and abuse of alcohol and/or psychoactive substances.

Art. 2

Verification of compliance with the psychological and physical requirements shall be carried out by the Complex Operative Unit of Primary Care and Territorial Health in accordance with the information emerging from health records.

The medical staff of the Social Security Institute (Territorial, Hospital or Specialist staff) who, during visits or assessments, consider that the health of the interested persons does not meet the requirements to maintain the status of fitness required for the Firearms Licence, shall promptly inform the Direction of the Complex Operative Unit of Primary Care and Territorial Health. The latter shall immediately convene the interested persons to verify whether they still meet the fitness requirements for the Firearms Licence.

ANNEX B

The reference legislation of the European Union concerning the classification of pyrotechnic articles is Article 3 of Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles, which reads as follows:

"Article 3 (Categorisation)

1. Pyrotechnic articles shall be categorised by the manufacturer according to their type of use, or their purpose and level of hazard, including their noise level. The notified bodies referred to in Article 10 shall confirm the categorisation as part of the conformity assessment procedures in accordance with Article 9.

Categorisation shall be as follows:

a) Fireworks:

Category 1: fireworks which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings;

Category 2: fireworks which present a low hazard and low noise level and which are intended for outdoor use in confined areas;

Category 3: fireworks which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health;

Category 4: fireworks which present a high hazard, which are intended for use only by persons with specialist knowledge (commonly known as fireworks for professional use) and whose noise level is not harmful to human health.

b) Theatrical pyrotechnic articles:

Category T1: pyrotechnic articles for stage use which present a low hazard;

Category T2: pyrotechnic articles for stage use which are intended for use only by persons with specialist knowledge.

c) Other pyrotechnic articles:

Category P1: pyrotechnic articles, other than fireworks and theatrical pyrotechnic articles, which present a low hazard;

Category P2: pyrotechnic articles, other than fireworks and theatrical pyrotechnic articles, which are intended for handling or use only by persons with specialist knowledge.