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## CONTROLLING ACCESS TO WEAPONS IN A SYSTEMIC ASPECT

### Introduction

The uniformed and armed Police forces serve the public by gathering criminal intelligence, conducting criminal investigations, and performing administrative and public-order activities within the scope of their duties. The objectives of the above-stated responsibilities are defined in Article 14 (1) of the Police Act<sup>2</sup>. In addition, the police fulfil many other functions, set out in detail in other legal acts. A number of police tasks involve ensuring and maintaining public order and safety. These are not only defined in the Police Act, but are formulated in many regulations of the existing law, such as the Code of Criminal Procedure, Code of Procedure in Case of Minor Offences, Road Traffic Law, Major Event Act, Law on Police Force, Law on Weapons and Ammunition, and numerous other regulations. However, the scope of police responsibilities goes far beyond the basic protection of public safety and order. The role of police officers as servants of the public means that the changing living conditions, requirements, expectations and social relations must have an impact on the scope of police duties. Consequently, the catalogue of their functions should not be limited, but should remain open and flexible to be adaptable to the ever-changing society.

The Ustawa z 21 maja 1999 r. o broni i amunicji (Law on Weapons and Ammunition)<sup>3</sup> sets out the rules for rendering decisions relevant to issuing and withdrawing weapon permits by the Police as part of their

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<sup>2</sup> Police Act of 6 April, 1990 (consolidated text, DzU of 2019, item 161, 125, 1091), Article 14 (1).

<sup>3</sup> Ustawa z 21 maja 1999 r. o broni i amunicji (tekst. jedn. DzU z 2019 r., poz. 284, 1214); further referred to as ustawa o broni i amunicji.

administrative prerogatives. Moreover, it regulates the following issues: purchase, registration, storage, disposal, deposition, transportation of weapons and ammunition on the territory of the Republic of Poland, the import and export of thereof, as well as the possession of weapons by foreign nationals. Besides the above, the Act also determines the principles for the operation of shooting ranges<sup>4</sup>.

Pursuant to Article 4 (1) of the Act, weapons are understood as the following<sup>5</sup>:

- firearms, including combat, hunting, sporting, gas, alarm, and signal guns;
- air rifles;
- incapacitating gas throwers;
- tools and devices which may pose a threat to life or health;
- edged weapons in the form of:
  - blades hidden in objects which do not look like weapons,
  - knuckle dusters and nunchakus,
  - clubs with a heavy and hard material ending or containing inserted elements made of such a material,
  - clubs made of wood or other heavy and hard material (imitating a baseball bat),
- cross-bow weapons;
- objects designed to incapacitate persons by means of electricity.

Matters relating to the issuing of weapon licences are set out in detail in the implementing acts – the Rozporządzenie ministra spraw wewnętrznych z 21 marca 2013 r. w sprawie wzorów legitymacji posiadacza broni, zaświadczenia uprawniającego do nabycia broni, legitymacji osoby dopuszczonej do posiadania broni, świadectwa broni oraz karty rejestracyjnej broni (Regulation of the Minister of Internal Affairs of 21 March 2013 on specimens of a weapon holder's identity card, certificate of authorisation for purchasing a weapon, identity card of a person authorised to possess a weapon, weapon certificate and weapon registration card)<sup>6</sup>, the Rozporządzenie ministra spraw wewnętrznych i administracji z 20 marca 2000 r. w sprawie egzaminu ze znajomości przepisów dotyczących posiadania broni oraz umiejętności posługiwania się bronią (Regulation of the Minister of Internal Affairs of 20 March 2000 on the examination testing the knowledge of the law regulating the possession of weapons and the ability to handle weapons)<sup>7</sup>, as well as the Ustawa z 5 sierpnia

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<sup>4</sup> *Ibid.*, Article 1.

<sup>5</sup> *Ibid.*, Article 4 (1).

<sup>6</sup> Rozporządzenie ministra spraw wewnętrznych z 21 marca 2013 r. w sprawie wzorów legitymacji posiadacza broni, zaświadczenia uprawniającego do nabycia broni, legitymacji osoby dopuszczonej do posiadania broni, świadectwa broni oraz karty rejestracyjnej broni (DzU 2017 r., poz. 1612).

<sup>7</sup> Rozporządzenie ministra spraw wewnętrznych i administracji z 20 marca 2000 r. w sprawie egzaminu ze znajomości przepisów dotyczących posiadania broni oraz umiejętności posługiwania się bronią (tekst jedn. DzU z 2017 r., poz. 1756).

2015 r. o zmianie ustaw regulujących warunki dostępu do wykonywania niektórych zawodów (Act of 5 August 2015 amending laws governing the conditions of access to certain professions), which amends the Rozporządzenie ministra zdrowia z 7 września 2000 r. w sprawie badań lekarskich i psychologicznych osób ubiegających się lub posiadających pozwolenie na broń (Regulation of the Minister of Health of 7 September 2000 on medical and psychological examinations of persons applying for or holding a weapons licence)<sup>8,9</sup>, which introduced into the Act on Weapons and Ammunition, provisions related to medical and psychological certificates, stating if an individual is fit to possess and use a weapon<sup>10</sup>.

The legislator formulated the statutory definition of firearms in Article 7(1) of the Act on Weapons and Ammunition, specifying that 'a firearm is any portable barrelled weapon that expels, is designed to expel, or may be adapted to expel one or more projectiles or substances by the action of a propellant'<sup>11</sup>. Within the meaning of the Act, ammunition is understood as ammunition for firearms in the form of cartridges intended to be expelled from such weapons<sup>12</sup>. The Legislator also listed the essential technical parts of firearms, i.e.: frame, receiver, barrel and cartridge chamber, lock, lock chamber and cartridge cylinder<sup>13</sup>. The essential components of ammunition are defined as 'projectiles filled with explosives, chemical incapacitating or incendiary agents or other substances whose action endangers life or health, propellant primers and propellant in the form of gunpowder'<sup>14</sup>. The elements listed above make it possible to determine whether an item is a firearm or ammunition, or whether it is another offensive weapon. It should be noted that essential parts of a weapon or ammunition, regardless of being manufactured or improvised, are considered to be weapons or ammunition<sup>15</sup>.

At the same time, it is forbidden by law to make alterations to a firearm, which would change its type, calibre or purpose, and any alterations of a weapon are considered to be manufacturing of firearms<sup>16</sup>. On the other hand, the legislator allows firearms to be permanently disabled, but only by an authorised professional<sup>17</sup>. Removal of utility features is defined as "deactivation of utility characteristics of all essential parts of a firearm in such a way that, despite the action of compressed gases resulting from

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<sup>8</sup> Rozporządzenie ministra zdrowia z 7 września 2000 r. w sprawie badań lekarskich i psychologicznych osób ubiegających się lub posiadających pozwolenie na broń (DzU z 2000 nr 79 poz. 898).

<sup>9</sup> Ustawa z 5 sierpnia 2015 r. o zmianie ustaw regulujących warunki dostępu do wykonywania niektórych zawodów (DzU z 2015 r., poz. 1505).

<sup>10</sup> Ustawa o broni i amunicji, Article 15 (a-l).

<sup>11</sup> *Ibid.*, Article 7 (1).

<sup>12</sup> *Ibid.*, Article 4 (2 and 3).

<sup>13</sup> *Ibid.*, Article 5 (2).

<sup>14</sup> *Ibid.*, Article 5 (3).

<sup>15</sup> *Ibid.*, Article 5 (1).

<sup>16</sup> *Ibid.*, Article 6 (1 and 2).

<sup>17</sup> *Ibid.*, Article 6a (1).

the combustion of a propellant, it is incapable of expelling a projectile or substance from the barrel or its replacement, as well as of producing a visual or acoustic effect, and it is not possible to restore the functioning of the firearm without taking specialist action”<sup>18</sup>. In addition, deactivated firearms must be marked in a manner which clearly indicates their deactivation<sup>19</sup>.

The amendment of the 2011 Act on Weapons and Ammunition changed the definition of firearms, so far accepted by forensic science, into the one criticised by the scientific community<sup>20</sup>. The current legal definition is not consistent with the findings of forensic scientists. The previous definition contained important defining elements, which were in line with the views developed by representatives of the doctrine, and it stated that “a firearm is a life- or health-threatening device which, as a result of the action of compressed gases produced by the combustion of propellant, is capable of firing a bullet or a chemical substance from a barrel, or its replacement, thereby being capable of striking targets at a distance”<sup>21</sup>. Prof. Jerzy Kasprzak believes that the binding legal construction of the definition of a firearm (in terms of logic and substance) is flawed and allows for great freedom of interpretation. The problem consists in the legislator’s indication of the properties of a firearm as a portable, barrelled tool, and then in its easy adaptation and modification. He calls for changes to and the reintroduction of the previous definition. The current wording of the formula does not take into account the essential characteristic of a firearm - its life- or health-threatening nature. The main reason for this omission is considered to be the failure to take account of the knowledge and definition developed by forensic science<sup>22</sup>.

Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons states that “firearm means any portable barrelled weapon that expels, is designed to expel or may be adapted to expel one or more projectiles by the action of an explosive”<sup>23</sup>. The change of the statutory definition of firearms is therefore a consequence of adjusting the Polish legal order to the EU law. The Supreme

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<sup>18</sup> *Ibid.*, Article 6a (2).

<sup>19</sup> *Ibid.*, Article 6a (5).

<sup>20</sup> Kasprzak J, W trosce o poprawną definicję broni palnej. *Przegląd Policyjny*, 2013, Vol. 2, p. 63.

<sup>21</sup> Stęпка L, Kwiatkowska-Wójcikiewicz V, Istota broni palnej, [in:] Stęпка L, Kwiatkowska-Wójcikiewicz V (Eds), Broń, problematyka prawna i kryminalistyczna. Toruń, 2013, p. 42.

<sup>22</sup> Kasprzak J, W trosce..., *op.cit.*..., p. 66. Kasprzak J, Brywczyński W, Nielegalne posiadanie broni i amunicji. Białystok, 2013, pp. 107ff.

<sup>23</sup> Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (OJ UE L 179, 2008, p. 5). Babiński A, Konsekwencje ratyfikacji Europejskiej Konwencji o kontroli nabywania i posiadania broni palnej przez osoby fizyczne. *Przegląd Policyjny*, 2005, Vol. 4, pp. 119ff.

Court pointed out that “in Article 4(1)(a), this act contains an incomplete definition of firearms, including, inter alia, gas weapons. This is an incomplete definition, as it does not list all of the elements of the set of devices defined as firearms, including only, for example (which is determined by the phrase >>including<<), inter alia, gas weapons. In other words, firearms will also include other devices than just combat, hunting, sports, gas, alarm, and signal weapons. These may be atypical devices which will appear, of course, along with the increasingly rapid technical development of types and kinds of weapons, and which, not being a combat, hunting, sporting, gas, alarm, or signal weapon, will meet the criteria set out in the definition contained in Article 7 of the cited Act. It is therefore clear that Article 7 of the same Act contains a substantive definition of the concept of firearms, indicating all those characteristics which must be met by all the elements of the set of devices referred to as firearms and not only those listed, for example, in the definition of the scope adopted in Article 4(1)(a). In other words, firearms are all those devices which fall within the scope of Article 4(1)(a), and the unnamed ones that may appear in the future. Therefore, on the interpretation of Article 4(1)(a) and Article 7 of the Act in question, in order to determine whether a device should be classified as a firearm, it must be verified whether it is covered by the incomplete scope definition. If it is, a given device is undoubtedly a firearm, and if not, it has to be determined, using the definition contained in Article 7 of the Act, whether the device meets the criteria listed therein”<sup>24</sup>.

Subsequently, the legislator defined the other types of weapons which are covered by the Act on weapons and ammunition. According to Article 7(2), “signal firearms are reusable devices which, as a result of the action of compressed gases produced through the combustion of a propellant, are capable of firing a substance in the form of a pyrotechnic charge from a barrel of not less than 25 mm calibre in order to produce a visual or acoustic effect”<sup>25</sup>. An alarm firearm is a “reusable device which, as a result of the action of compressed gases resulting from the combustion of a propellant, produces an acoustic effect and, when fired from a barrel or its replacement, a substance hits a target at a distance of not more than 1 metre”<sup>26</sup>.

Article 8 states that “within the meaning of the Act, air weapons shall be understood as life- or health-threatening devices which, as a result of the action of compressed gas, are capable of firing a projectile from a barrel or its replacement, and thus are capable of hitting a target at a distance, when the kinetic energy of the projectile leaving the barrel or its replacement exceeds 17 joules”.

In order to legally possess a weapon, it is necessary to obtain a permit. The permit for firearms and ammunition is issued by the regional police

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<sup>24</sup> Postanowienie Sądu Najwyższego Izba Karna z 22 stycznia 2003 r. (sygn. akt I KZP 40/02), OSNKW 2003, nr 1–2, poz. 11.

<sup>25</sup> Ustawa o broni i amunicji, Article 7 (2).

<sup>26</sup> *Ibid.*, Article 7 (3).

chief competent in terms of the place of permanent residence of the person concerned (or the seat of the entity concerned), and in the case of professional soldiers, the weapon is provided on the basis of a permit issued by the competent commander of a given Military Police unit<sup>27</sup>. A deactivated firearm may be possessed on the basis of a deactivated firearm registration card, which is issued by the regional police chief competent in terms of the place of permanent residence of the person concerned (or the seat of the entity concerned), and in the case of professional soldiers, the competent commander of the Military Police unit<sup>28</sup>. Stun gas throwers and the tools and devices referred to in Article 4(1)(3) and (4) may be possessed on the basis of a weapons permit, which is issued by the county police chief competent in terms of the place of permanent residence of the person concerned (or the seat of the entity concerned), and in the case of professional soldiers, on the basis of a permit issued by the competent commander of the Military Police unit<sup>29</sup>. Air weapons may be possessed on the basis of an air weapon registration card issued by the county police chief competent in terms of the place of permanent residence of the interested person or the seat of the interested entity, and in the case of professional soldiers, the competent commander of the Military Police unit<sup>30</sup>. In most cases, the possessor of the weapon is also its owner<sup>31</sup>.

Pursuant to Article 10(1) of the Law on Weapons and Ammunition, a permit can only be issued if there are no grounds to believe that the weapon may pose a danger to the applicant's personal safety or to the public order and safety, as well as when there is a good reason justifying the possession of the weapon<sup>32</sup>. The list of objectives for issuing a weapons licence gives examples of reasons why individuals apply for a licence, however, as the legislator used the phrase, "in particular for the following purposes", it is not a comprehensive catalogue. Therefore, one of the reasons for applying for a weapons licence can be:

- personal protection due to the existence of a permanent, real or above-average threat to life, health or property;
- protection of persons and property on the basis of their rights;
- hunting and having a proper eligibility to hunt, provided under separate regulations;
- sport and possession of sports qualifications confirmed by documented membership in an association of a shooting nature, possession of a licence of a relevant Polish sports association;
- historical reconstruction based on documented membership in an institution which organises historical reconstructions, and a certificate confirming the applicant's active participation in the activity;
- collecting and documented membership in a collectors' association;

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<sup>27</sup> *Ibid.*, Article 9 (1).

<sup>28</sup> *Ibid.*, Article 9 (2).

<sup>29</sup> *Ibid.*, Article 9 (3).

<sup>30</sup> *Ibid.*, Article 9 (4).

<sup>31</sup> Maj S, Ustawa o broni i amunicji. Komentarz. Warsaw, 2010, p. 94.

<sup>32</sup> Ustawa o broni i amunicji, Article 10 (1).

- a souvenir acquired through inheritance, a donation, or as an award;
- training which is organised by authorised entities with registered business activity in the field of shooting training<sup>33</sup>.

A weapons licence is issued through an administrative decision specifying the purpose of issue, the type and number of weapons<sup>34</sup>. Article 11 contains an enumerated list of cases in which a weapons licence is not required, which applies, for example, to collecting weapons as part of museum collections under separate regulations, to the use of weapons for sports, training or recreational purposes at a shooting range operating on the basis of an authorisation granted by the competent authority, to the possession of objects designed to incapacitate persons by means of electricity whose average current in the circuit does not exceed 10mA, and finally to the possession of stun gas throwers<sup>35</sup>. At the request of a person who possesses a weapons licence, a certificate may be issued allowing that person to acquire the type and number of weapons specified in the licence, and ammunition for the weapon<sup>36</sup>. As a general rule, the buyer of the weapon must register it within 5 days of its acquisition<sup>37</sup>. The registration is made by the relevant licencing authority and confirmed either on the holder's identity card or on the weapon certificate<sup>38</sup>. Ammunition may subsequently be acquired on the basis of the holder's identification card or weapon certificate, but only for those weapons which are indicated on the identification card, or on the basis of the weapon certificate or a written order from the person authorised to acquire the ammunition<sup>39</sup>. The holder of a weapons licence may apply for a European Firearms Pass, which is issued by the competent police authority for a period of up to 5 years, renewable for another period<sup>40</sup>. The European Firearms Pass allows the legal possession and use of firearms in another Member State of the European Union<sup>41</sup>. However, the holder is obliged to return it to the authority by which it was issued if the firearms licence is withdrawn or if the possession of a particular type of weapon becomes prohibited<sup>42</sup>. The European pass is not an absolute decision, but is a kind of certificate issued by the Police under the Law on Weapons and Ammunition<sup>43</sup>.

Article 15 (1) of the Act sets out enumerated negative premises which make it impossible to obtain a weapons permit. First of all, the legislator has established the age criterion of 21 years of age for the applicant

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<sup>33</sup> *Ibid.*, Article 10 (2) and (3).

<sup>34</sup> *Ibid.*, Article 12 (1).

<sup>35</sup> *Ibid.*, Article 11.

<sup>36</sup> *Ibid.*, Article 12 (2).

<sup>37</sup> *Ibid.*, Article 13 (1).

<sup>38</sup> *Ibid.*, Article 13 (3) and (4).

<sup>39</sup> *Ibid.*, Article 14.

<sup>40</sup> *Ibid.*, Article 10a (1) and (2) and (3).

<sup>41</sup> *Ibid.*, Article 7a.

<sup>42</sup> *Ibid.*, Article 10a (4).

<sup>43</sup> Maj S, *op. cit.*, p. 142.

to be eligible to apply for a weapons permit. A permit may not be issued to a person with a mental disorder, demonstrating significant disorder of psychological functioning, addicted to alcohol or psychoactive substances, without a permanent residence on the territory of the Republic of Poland, posing a threat to themselves, public order and/or safety, including a person convicted of an intentional crime or intentional fiscal offence by a valid judgement of a court, or convicted of an unintentional crime against a person or against traffic safety when under the influence of alcohol or drugs, or when the perpetrator has fled the scene of a crime<sup>44</sup>. An exception to the age criterion is the possibility of issuing a weapons permit to a person over 18 at the request of a school, a sports organisation, the Polish Hunting Association, or a defence association, albeit with a restriction on the weapons used for sports or hunting purposes<sup>45</sup>.

Applicants for weapons licences must submit to a medical and psychological examination<sup>46</sup>. The aforementioned amendment introduced into Articles 15a-15l of the Act detailed regulations concerning the examinations of applicants, authorisations by doctors and psychologists, medical certificates and records, as well as provisions regarding the monitoring of the performance and the documentation of the medical examinations. Applicants are also obliged to pass an examination before a committee appointed by the competent police authority, and demonstrate knowledge of the regulations concerning the possession and use of weapons as well as the ability to handle thereof<sup>47</sup>.

A weapons licence, a deactivated firearm registration card and an air gun registration card are issued at the request of the person concerned by the competent police authority for an unlimited period of time<sup>48</sup>. The Act provides for the possibility of issuing a temporary permit for foreigners or Polish nationals who have their permanent residence abroad<sup>49</sup>.

The possibility of carrying a weapon may be restricted or excluded in the permit, which is confirmed in the holder's identity card<sup>50</sup>. The holder of a weapons license is obliged to present current medical and psychological certificates to the police authority once every 5 years to protect their personal safety, and the safety of other persons and property<sup>51</sup>.

If a person fails a compulsory examination or fails to present a medical or psychological certificate, the police authority refuses to issue a permit<sup>52</sup>. The issue of a weapons licence may also be refused in the following cases: a violation of the conditions set out in the licence, a violation of the obligation to register the weapon, the obligation to report the loss of the

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<sup>44</sup> Ustawa o broni i amunicji, Article 15 (1).

<sup>45</sup> *Ibid.*, Article 15 (2).

<sup>46</sup> *Ibid.*, Article 15a (1).

<sup>47</sup> *Ibid.*, Article 16 (1).

<sup>48</sup> *Ibid.*, Article 19 (6).

<sup>49</sup> *Ibid.*, Article 39 (2), *Ibid.*, Article 42 (8), *Ibid.*, Article 43 (14).

<sup>50</sup> *Ibid.*, Article 10 (7).

<sup>51</sup> *Ibid.*, Article 15 (4).

<sup>52</sup> *Ibid.*, Article 17 (3) and (4).



weapon, the obligation to notify of a change of permanent residence, a violation of the principles of storing and keeping a record of the weapon and ammunition, and of carrying thereof, as well as in the case of a previous withdrawal of a weapons licence<sup>53</sup>. The authority automatically withdraws a licence by administrative decision if: the person does not comply with the conditions set out in the weapons licence, there appear reasons for the lack of eligibility to possess the weapon, e.g. a mental illness, a breach of the obligation to report the loss of the weapon, or the carrying of the weapon while under the influence of alcohol or other intoxicants<sup>54</sup>. Optionally, a licence may be withdrawn if the obligation to register the weapon, to undergo a medical and psychological examination, to notify the authority of a change of residence, the rules for storing and keeping a record of the weapon, the requirement to obtain authorisation to export the weapon outside of the country, the ban on using the weapon for training and sporting purposes outside of shooting ranges, or the ban on lending the weapon to an unauthorised person have been infringed<sup>55</sup>. The individual whose authorisation has been withdrawn is obliged to return the documents confirming the validation of the possession of the weapon and ammunition to the police authority within 7 days of receiving the final decision<sup>56</sup>.

The Act provides for the ability to transfer weapons and ammunition, but only between holders of permits for weapons of the same type. The seller is obliged to immediately inform the competent police authority of the sale in writing<sup>57</sup>.

If the the weapons license is revoked, it is mandatory to dispose of the possessed weapon within 30 days of the date of revocation. After the deadline, the weapon and ammunition should be deposited with the competent police authority<sup>58</sup>. The owner of the weapon also has other obligations. Should the weapon be lost, its owner is obliged to communicate the fact to the Police or Military Police immediately, i.e. not later than within 24 hours from the moment the weapon is discovered to be missing<sup>59</sup>. When changing his/her permanent residence, the owner is obliged to notify in writing the relevant police authority competent in terms of the new permanent address within 14 days from the date of the change of the previous residence<sup>60</sup>. In addition, the owner of the weapon is obliged to store and carry the weapon and ammunition in such a way as to prevent access to thereof by unauthorised persons<sup>61</sup>.

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<sup>53</sup> *Ibid.*, Article 17 (1) and (2).

<sup>54</sup> *Ibid.*, Article 18 (1).

<sup>55</sup> *Ibid.*, Article 18 (5).

<sup>56</sup> *Ibid.*, Article 18 (8).

<sup>57</sup> *Ibid.*, Article 21 (1) and (2).

<sup>58</sup> *Ibid.*, Article 22 (1) and (3).

<sup>59</sup> *Ibid.*, Article 25.

<sup>60</sup> *Ibid.*, Article 26.

<sup>61</sup> *Ibid.*, Article 31 (1).

The National Police Chief keeps a register which contains the records on individuals possessing a weapons licence, individuals authorised to possess a weapon, holders of an identity card authorising the possession of a weapon, applicants for a licence, holders of a weapon registration card, records on entities issued with a weapon certificate, official information collected and opinions issued on individuals and entities in connection with matters relevant to weapon licencing, as well as information regarding the type of weapons possessed, identification characteristics and quantity of thereof<sup>62</sup>. The Polish Hunting Association and the Boards of Shooting Associations are required to annually submit to the competent police authorities up-to-date lists of members who engage in hunting or shooting with their own weapons, and to notify the authorities of the exclusion of members of the organisations in question within 30 days of the date on which the exclusion took place<sup>63</sup>. In this way, the Police control over holders of a weapons licenses is exercised, and the resulting obligations are enforced.

Police statistics presented on the force's website show that the number of weapons permits issued has been increasing over the years. A total of 197,595 persons were granted a weapons license in 2014, and the number of weapon holders increased to 215,602 in 2018. 18,007 persons were therefore issued with a licensed in four years<sup>64</sup>. This is a clear indication that there is growing interest in weapons in Poland. In the analysed years, most permits were issued in 2017 and 2018<sup>65</sup>. The greatest interest in the possession of firearms being legalised can be seen using the number of permits issued for hunting purposes (a total of 127,768 weapons permits issued), for personal protection (a total of 36,499), and for sports purposes (a total of 30,792 licences)<sup>66</sup>. The number of weapons registered by weapon licence holders is also increasing every year. In 2014, the figure was 381,588, and in 2018, as many as 505,429. This means that the number of legalised weapons increased by 123,841 in four years<sup>67</sup>. This is a positive phenomenon, as it indicates increased public awareness and desire to legalise dangerous objects, i.e. weapons of various kinds. It must be noted, however, that the above quoted police statistics do not include

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<sup>62</sup> *Ibid.*, Article 27 (2).

<sup>63</sup> *Ibid.*, Article 27 (5).

<sup>64</sup> *Electronic source*: <http://statystyka.policja.pl/st/wybrane-statystyki/bron/bron-pozwolonia>, accessed: 15 May 2019. According to the annotation on the page, the statistics do not cover either individuals to whom an authority has issued a decision under Article 155 of the Code of Administrative Procedure, amending the decision as regards the number of weapons or individuals who have received a weapons licence for the same purpose, issued after 2011 pursuant to Article 10 of the Law on Weapons and Ammunition.

<sup>65</sup> *Ibid.*

<sup>66</sup> <<http://statystyka.policja.pl/st/wybrane-statystyki/bron/bron-pozwolonia/170176,Bron-pozwolonia-2018.html>>, 15 May 2019.

<sup>67</sup> *Ibid.*, <<http://statystyka.policja.pl/st/wybrane-statystyki/bron/bron-pozwolonia/50841,Bron-pozwolonia-2014.html>>, 15 May 2019.

a breakdown by the type of weapon or the authorities who made the decisions.

## Conclusions

As the authority responsible for enforcing the Act on Weapons and Ammunition, the police deal with the entire spectrum of tasks related to weapon permits, being the administrative body in charge of weapons licensing. By extension, the police check applicants, grant weapons licences, revoke those automatically or optionally, and confiscate illegal weapons. Consequently, the Police have a great social responsibility in terms of issuing permits. Generally speaking, firearms are dangerous objects which, due to their construction and specific properties, can cause serious injury or death. Improper licensing can thus have tragic consequences, as both firearms and other dangerous weapons can end up in the wrong hands, and be misused. The current regulations provide sufficient protection against armed crime, although they are not particularly restrictive compared to other European countries. The ready availability of access to weapons could significantly increase the number of crimes committed, and undermine the general sense of security in the broad sense. The statistics show that, despite the restrictions, the number of licences issued is increasing every year, with the greatest interest in weapons being for hunting purposes<sup>68</sup>.

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<sup>68</sup> Mról M, Prawo do broni w Polsce i Europie. Warsaw, 2011, pp. 54–64.

## Legal acts

Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (OJ EU L 179).

Ustawa z 6 kwietnia 1990 o Policji (tekst jedn. DzU z 2019, poz. 161, 125, 1091).

Ustawa z 21 maja 1999 o broni i amunicji (tekst. jedn. DzU z 2019, poz. 284, 1214).

Ustawa z 5 sierpnia 2015 o zmianie ustaw regulujących warunki dostępu do wykonywania niektórych zawodów (DzU z 2015, poz. 1505).

Rozporządzenie ministra spraw wewnętrznych i administracji z 20 marca 2000 w sprawie egzaminu ze znajomości przepisów dotyczących posiadania broni oraz umiejętności posługiwania się bronią (tekst jedn. DzU z 2017, poz. 1756).

Rozporządzenie ministra zdrowia z 7 września 2000 w sprawie badań lekarskich i psychologicznych osób ubiegających się lub posiadających pozwolenie na broń (DzU z 2000, nr 79, poz. 898).

Rozporządzenie ministra spraw wewnętrznych z 21 marca 2013 r. w sprawie wzorów legitymacji posiadacza broni, zaświadczenia uprawniającego do nabycia broni, legitymacji osoby dopuszczonej do posiadania broni, świadectwa broni oraz karty rejestracyjnej broni (DzU z 2017, poz. 1612).

## Other sources

*Electronic source:* <http://statystyka.policja.pl/st/wybrane-statystyki/bron/bron-pozwolenia>, 28 August 2019.

Postanowienie SN — IK z 22 stycznia 2003, sygn. I KZP 40/02, OSNKW 2003, nr 1–2, poz. 11.

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**Summary:** In Poland, access to certain types of weapons, in particular to firearms, is subject to regulation, which involves requirements and procedures relevant to the weapons and ammunition specified in the law. Individual police authorities, as public administration bodies, are entitled to issue (as part of administrative and law-enforcement activities) administrative decisions, including weapons permits. This activity is of great importance to society because of the control over the users of weapons and the weapons themselves possessed by individuals in the country. In recent years, there has been growing interest in weapons in Poland, as evidenced by police statistics. The aspirations and needs of individuals vary in this respect. The aim of the system of regulating access to weapons is therefore to control the holders of weapons within the framework of the generally understood public safety and order.