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ANNEX

ANNEX

to the

Commission Regulation (EU) .../... of **XXX**

amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards lead in ammunition and in fishing tackle

ANNEX

Annex XVII to Regulation (EC) No 1907/2006 is amended as follows:

(1) In entry 63, column 2, the following paragraph 14a is inserted:

‘14a. Paragraphs 11 - 14 shall apply until [Publications Office: insert date of **three years** after entry into force]’;

(2) In entry 63, column 2, the following paragraphs are added:

	<p>‘21. The following uses of gunshot containing a concentration of lead (expressed as metal) equal to or greater than 1% by weight are prohibited:</p> <ul style="list-style-type: none">(a) carrying or discharging gunshot while hunting or as part of going hunting, from <i>[Publications Office: insert date 3 years after EIF]</i>;(b) carrying or discharging gunshot while sports shooting outdoors or as part of going sports shooting outdoors, from <i>[Publications Office: insert date 5 years after EIF]</i>. <p>For the purpose of determining whether a person found with gunshot is carrying it as part of going hunting or going sports shooting outdoors, regard shall be had to all the circumstances of the case, including that the person found with the gunshot need not necessarily be the same person as the person hunting or sport shooting outdoors.</p> <p>22. The following uses of bullets containing a concentration of lead (expressed as metal) equal to or greater than 1% by weight are prohibited:</p> <ul style="list-style-type: none">(a) carrying or discharging centrefire bullets of calibres equal to or greater than 5.6 mm while hunting or as part of going hunting, from <i>[Publications Office: insert date 18 months after EIF]</i>;(b) carrying or discharging centrefire bullets of calibres below 5.6 mm and rimfire bullets of any calibre while hunting or as part of going hunting, from <i>[Publications Office: insert date 10 years after EIF]</i>;(c) carrying or discharging any bullets while sports shooting outdoors or as part of going sports shooting outdoors, from <i>[Publications Office: insert date 5 years after EIF]</i>. <p>For the purpose of determining whether a person found with bullets is carrying them as part of going hunting or going sports shooting outdoors, regard shall be had to all the circumstances of the case, including that the person found with the bullets need not necessarily be the same person as the person hunting or sport shooting outdoors.</p> <p>23. Shall not be used, while fishing, in a concentration of lead (expressed as metal) equal to or greater than 1% by weight:</p> <ul style="list-style-type: none">(a) in sinkers and in lures weighing 50 g or less, and not covered by point (c) of this paragraph, from <i>[Publications Office: insert date 3 years after EIF]</i>;(b) in sinkers and in lures weighing more than 50 g, and not covered by point (c) of this paragraph, from <i>[Publications Office: insert date 5</i>
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years after EIF];

- (c) in fishing wires and in drop-in sinkers, from [*Publications Office: insert date 6 months after EIF*].

24. Shall not be placed on the market in a concentration of lead (expressed as metal) equal to or greater than 1% by weight:

- (a) in gunshot, from [*Publications Office: insert date 5 years after EIF*];
- (b) in sinkers and lures weighing 50 g or less, and not covered by point (d) of this paragraph, from [*Publications Office: insert date 3 years after EIF*];
- (c) in sinkers and lures weighing more than 50 g, and not covered by point (d) of this paragraph, from [*Publications Office: insert date 5 years after EIF*];
- (d) in fishing wires and drop-in sinkers, from [*Publications Office: insert date 6 months after EIF*].

25. By way of derogation, paragraph 21, point (b), shall not apply until [*Publications office: insert date 15 years after EIF*] to gunshot of sizes between 1.9 mm and 2.6 mm, provided the following conditions are met:

- (a) the carrying or discharging of such gunshot takes place at an authorised outdoor sports shooting range;
- (b) the persons carrying or discharging such gunshot are members of a sports shooting federation and carry or discharge such gunshot at the authorised outdoor sports shooting range that supplied them with such gunshot in accordance with paragraph 26, point (b);
- (c) the authorised outdoor sports shooting ranges keep records of:
 - (i) the quantities of cartridges of such gunshot supplied to active members of a sports shooting federation for use in that range;
 - (ii) the average weight of the gunshot in those cartridges;
 - (iii) the persons the cartridges were supplied to;
 - (iv) the weight of such gunshot recovered;
- (d) authorised outdoor sports shooting ranges report information on the cumulated weight of gunshot they supplied and recovered during the reporting period to the responsible Member State authorities at a frequency to be set by those authorities and at least by [*Publications Office: insert date 5 years after EIF*] and every five years thereafter.

26. By way of derogation, paragraph 24, point (a), shall not apply until [*Publications office: insert date 15 years after EIF*] to gunshot of sizes between 1.9mm and 2.6 mm placed on the market:

- (a) by ammunition producers and distributors when supplying such gunshot to an authorised outdoor sports shooting range;
- (b) by an authorised outdoor sports shooting range when supplying such gunshot to active members of a sports shooting federation for use in that range.

27. By way of derogation, paragraph 22, point (c), shall not apply to bullets for sports shooting discharged at an outdoor sports shooting range.

28. The derogations in paragraphs 25, 26 and 27 shall be reviewed by the Commission, based on a report produced by the Agency, after 10 years from the entry into force of this Regulation.

29. From [Publication Office: insert date **6 months** after EIF], retailers of gunshot, bullets, fishing sinkers, and lures of any dimension or weight, containing lead in concentrations equal to or greater than 1% by weight, shall clearly and visibly display the following information, at the point of sale and in close proximity to the products mentioned above or, in the case of distance sales, in the distance sales offer:

***WARNING:** this product contains lead which is very toxic to the environment and may damage fertility or the unborn child. The use of lead in ammunition and fishing tackle is restricted in the EU from:*

*- [Publication Office: insert date **3 years** after EIF] for gunshot*

*- [Publication Office: insert date **18 months** after EIF] for centrefire bullets of calibres of 5.6 mm or more*

*- [Publication Office: insert date **5 years** after EIF] for centrefire bullets of calibres less than 5.6 mm and rimfire bullets of any calibre*

*- [Publication Office: insert date **3 years** after EIF] for sinkers and lures weighing 50 g or less*

*- [Publication Office: insert date **5 years** after EIF] for sinkers and lures weighing more than 50 g.*

*- [Publication Office: insert date **6 months** after EIF] for drop-in wires and drop-in sinkers of any weight.*

More information, including on the availability of lead-free alternatives, is available at [www.echa.europa.eu]

The information referred to in the first sub-paragraph shall be in the official languages of the Member State where the point of sale is established or, in the case of distance sales, in the official languages of the Member State of the offer unless the Member State concerned provides otherwise regarding those languages.

30. Without prejudice to other Union legislation concerning the classification, packaging and labelling of substances and mixtures, suppliers of gunshot or bullets containing a concentration of lead (expressed as metal) equal to or greater than 1% by weight, shall ensure that, from [Publication Office: insert date **18 months** after EIF], the packaging of those products is clearly, visibly and indelibly labelled with the following statement, before placing those products on the market:

***WARNING:** this product contains lead which is very toxic to the environment and may damage fertility or the unborn child.'*

The statement shall be in the official languages of the Member State where the

product is placed on the market unless the Member State concerned provides otherwise regarding those languages. If the statement cannot be placed on the packaging due to the size of the packaging, the statement shall be provided in a fold-out label, or leaflet, or on a tie-on tag.

31. Without prejudice to other Union legislation concerning the classification, packaging and labelling of substances and mixtures, suppliers of bullets or gunshot containing a concentration of lead (expressed as metal) equal to or greater than 1% by weight shall ensure that, from [*Publication Office: insert date 5 years after EIF*], individual bullets or gunshot cartridges are clearly, visibly and indelibly labelled with the marking 'Pb'.

32. By way of derogation, paragraphs 21 and 22, paragraph 24, point (a), and paragraphs 29, 30 and 31 shall not apply to the use and placing on the market of gunshot, or to the use of bullets, for muzzle-loading guns and historic firearms, including their modern replicas.

33. By way of derogation, paragraphs 22, 29, 30 and 31 shall not apply to bullets containing copper and copper alloys with a concentration of lead (expressed as metal) less than 3% by weight.

34. By way of derogation, paragraph 22, points (a) and (b), and paragraphs 29, 30 and 31 shall not apply to the following bullets, where their use is allowed by [*Publications Office: insert date of EIF*] in the Member State where the discharging and carrying is intended to be carried out:

- (a) bullets for seal hunting, if the user is permitted by the relevant Member State to hunt seals;
- (b) full-metal-jacket bullets, including non-expanding open tip match bullets.

35. By way of derogation, paragraph 22, point (c), shall not apply to the use of bullets for sports shooting in the context of traditional rituals and other intangible cultural heritage events, and of community festive events, taking place within a limited area where lead recovery is performed.

36. By way of derogation, paragraph 23, points (a) and (b), paragraph 24, points (b) and (c), and paragraph 29 shall not apply to:

- (a) lures made of copper alloys containing a concentration of lead (expressed as metal) less than 3% by weight;
- (b) split shot weighing 0.06 g or less that is placed on the market in spill-proof and child-resistant packaging.

37. Member States shall:

- (a) authorise an outdoor sports shooting range, pursuant to paragraph 25, point (a), only following verification by the responsible authorities that, by [*Publications Office: insert date 5 years after EIF*], the risk-management measures laid down in Appendix [X] are in place.
- (b) make publicly available by [*Publications Office: insert date 12 months after EIF*] the instructions and procedure for sports shooting ranges to be authorised for the purpose of paragraph 25, point (a), in accordance

- with point (a) of this paragraph and Appendix [X];
- (c) make publicly available a list of authorised sports shooting ranges by *[Publications Office: insert date 6 years after EIF]*.
 - (d) report the cumulative weight of gunshot supplied and recovered on their territory during the reporting period, derived from the information received pursuant to paragraph 25, point (d), to the Agency by *[Publications Office: insert date = the last day of the month in which the date 5 years after the date of entry into force of this Regulation falls]*, and every five years thereafter.

38. Paragraphs 21 to 37 shall not apply to the following:

- (a) indoor shooting;
- (b) police, law enforcement and other security applications;
- (c) military and defence applications;
- (d) protection of critical infrastructure, commercial shipping or high-value convoys;
- (e) protection of public buildings and public space;
- (f) self-defence (carrying while hunting or sports shooting outdoors, or as part of going hunting or sports shooting outdoors is not considered self-defence);
- (g) technical testing and proofing of guns and ammunition;
- (h) testing and development of materials and products for ballistic protection;
- (i) forensic analysis;
- (j) historical and technical research or investigation;
- (k) primers and wads.

39. For the purposes of paragraphs 21 to 40:

- (a) “gunshot” means pellets or slugs used or intended for use in a single charge or cartridge in a shotgun;
- (b) “shotgun” means a smooth-bore gun, excluding airguns;
- (c) “carrying” means any carrying on the person or carrying or transporting by any other means;
- (d) “hunting” means pursuing and shooting at live quarry using a projectile expelled from a gun;
- (e) “sports shooting” means shooting at any inanimate target with a gun, including practice or other shooting performed in preparation for hunting;
- (f) “bullet” means a projectile intended to be discharged from a gun that is not a shotgun or an air gun, excluding wads;
- (g) “centrefire bullet” means a bullet where the primer is located in the centre of the case head or base;
- (h) “rimfire bullet” means a bullet where the primer is located in the rim of the base of the bullet case;
- (i) “sinker” means a weight that is attached to a fishing line, a lure or a fishing net to keep it under the water, or to keep a fishing line, a lure or a fishing net in a certain position;

	<p>(j) “lure” means an object that is used to attract fish or other animals, so that they can be caught;</p> <p>(k) “fishing wire” means a thin thread of metal that is intended to be cut in short pieces and used as a weight to keep lures under the water;</p> <p>(l) “drop-in sinker” means a sinker that is intended to be deliberately released during use;</p> <p>(m) “split shot” means a small piece of metal that is pinched around the fishing line to add weight to it;</p> <p>(n) “authorised outdoor sports shooting range” means an outdoor sports shooting range that is authorised by the responsible authorities of the Member State in which it is located to host the following acts with gunshot of sizes between 1.9 mm and 2.6 mm containing a concentration of lead (expressed as metal) equal to or greater than 1% by weight:</p> <p style="padding-left: 20px;">(i) discharging and carrying such gunshot while sports shooting;</p> <p style="padding-left: 20px;">(ii) supplying such gunshot to active members of a sports shooting federation for use in that range.</p> <p>(o) “indoor shooting” means shooting that takes place inside a building, in an area that is enclosed by a roof and walls so that there are no emissions of gunshot or bullets into the environment;</p> <p>40. Member States may maintain national provisions for protection of the environment or human health in force on [<i>Publications Office: insert date of EIF</i>] and restricting the use of lead in gunshot, bullets, lures, sinkers, and fishing wires that are stricter than provided for in paragraphs 21-23, 25, 27, and 32-36.</p> <p>The Member State shall communicate the text of those national provisions to the Commission without delay. The Commission shall make publicly available without delay any such texts of national provisions received by it.’</p>
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- (3) The following Appendix [X] [*Publications Office, please insert the number of the Appendix*] is added:

‘Appendix [X]

Entry 63 – Conditions for the application of the derogation in paragraph 25

This Appendix lays down the risk-management measures that shall be in place for outdoor sports shooting ranges to be authorised by Member States pursuant to paragraphs 25, point (a) and 37, point (a).

Risk-management measures for use of gunshot in outdoor sports shooting ranges

The following risk-management measures shall be present in outdoor sports shooting ranges where gunshot is discharged:

- (a) at least two of the following lead-containment measures:

- one or more walls;
 - one or more berms or banks made of soil, gravel, sand or other appropriate material;
 - one or more nets or shot curtains;
 - surface covering;
- (b) recovery of spent lead shot at least every 3 years and upon cessation of activity of the outdoor sports shooting range;
- (c) monitoring and, where necessary, treatment of the gunshot-impact areas to ensure that they have a pH of between 6.5 and 8.5, in order to minimise lead migration into soil and water. Compliance with those pH values shall be verified at least once every six months;
- (d) containment, monitoring and, where necessary, treatment of drainage water (including surface water run-off) from gunshot-impact areas to ensure compliance with the environmental quality standard for lead specified under Directive 2000/60/EC;
- (e) a ban on any agricultural use within the site's boundaries;
- (f) records of compliance with the conditions in this paragraph.'