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to the

COMMISSION REGULATION (EU) .../...

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 gunshot

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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 **seven years** after entry into force of this Regulation]’;

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

	<p>‘28. 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 7 years after entry into force of this Regulation]</i>;(b) discharging gunshot while sports shooting outdoors, from <i>[Publications Office: insert date 7 years after entry into force of this Regulation]</i>. <p>For the purpose of determining whether a person found with gunshot is carrying it as part of going hunting, 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.</p> <p>29. Shall not be placed on the market in gunshot in a concentration of lead (expressed as metal) equal to or greater than 1% by weight, from <i>[Publications Office: insert date 7 years after entry into force of this Regulation]</i>.</p> <p>30. By way of derogation, paragraph 28, point (b), shall not apply to gunshot of sizes between 1.9 mm and 2.6 mm discharged at an outdoor sports shooting range, provided all the following conditions are met:</p> <ul style="list-style-type: none">(a) the outdoor sports shooting range has the risk-management measures laid down in Appendix [X] in place by <i>[Publications Office: insert date 7 years after entry into force of this Regulation]</i>;(b) the persons discharging such gunshot are active members of a sports shooting federation;(c) the outdoor sports shooting range keeps records of:<ul style="list-style-type: none">(i) the estimated weight of such gunshot discharged by active members of a sports shooting federation in that range;(ii) the persons discharging gunshot at that range;(iii) the weight of such gunshot recovered;(d) the outdoor sports shooting range makes the records referred to in point (c) available to the competent authorities upon their request. <p>31. By way of derogation, paragraph 29 shall not apply to gunshot of sizes between 1.9 mm and 2.6 mm placed on the market for use by active members of a sports shooting federation at an outdoor sports shooting range fulfilling the</p>
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conditions in paragraph 30.

32. From [Publication Office: insert date **6 months** after entry into force of this Regulation], retailers of gunshot 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 gunshot 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 and sale of lead gunshot for hunting and sports shooting are restricted in the EU from [Publication Office: insert date **7 years** after entry into force of this Regulation].*

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 where the distance sale is offered, unless the Member State concerned provides otherwise regarding those languages.

33. Without prejudice to other Union legislation concerning the classification, packaging and labelling of substances and mixtures, suppliers of 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 **18 months** after entry into force of this Regulation], the packaging of the gunshot is clearly, visibly and indelibly labelled with the following statement, before placing the gunshot 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 gunshot 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.

34. By way of derogation, paragraphs 28, 29, 32 and 33 shall not apply to the use and placing on the market of gunshot for muzzle-loading guns and historic firearms, including their modern replicas.

35. The derogations in paragraphs 30 and 31 shall be reviewed by the Commission, based on a report produced by the Agency, after [Publications Office: insert date of **10 years** after entry into force of this Regulation].

36. Member States shall make publicly available by [Publications Office: insert date **8 years** after entry into force of this Regulation] a list of outdoor sports shooting ranges on their territory having the risk-management measures laid down in Appendix [X] in place in accordance with paragraph 30, point (a).

37. Paragraphs 28 to 36 shall apply without prejudice to uses of gunshot for the

following purposes:

- (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;
- (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.

For the purposes of point (f), carrying while hunting, or as part of going hunting is not considered self-defence.

38. Member States may maintain national provisions for the protection of the environment or human health that are stricter than those laid down in paragraphs 28, 30 and 34, provided those provisions fulfil both of the following conditions:

- (a) they were in force on [Publications Office: insert date of entry into force of this Regulation];
- (b) they restrict only the use but not the placing on the market of lead in gunshot.

Member States maintaining such national provisions shall communicate the texts thereof to the Commission without delay. The Commission shall make those texts publicly available without delay.

39. For the purposes of paragraphs 28 to 38:

- (a) “gunshot” means pellets 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) “active member” means a person who has a valid membership of a sports shooting federation;
- (g) “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 into the environment;
- (h) “going hunting” means travelling from a private dwelling or a public

	<p>building to the place where hunting is performed;</p> <p>(i) “historical firearms” means firearms manufactured before 1st January 1900.</p> <p>(j) “modern replica” means a reproduction of a historical firearm, made with contemporary materials and manufacturing techniques, which closely follows the design and functionality of the original historical firearm.’</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 30

This Appendix lays down the risk-management measures that shall be in place for outdoor sports shooting ranges pursuant to paragraph 30, 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 different lead-containment measures, chosen from the following list:
- 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 of gunshot-impact areas;
- (b) recovery of spent lead from shooting at least every three years and upon cessation of activity of the outdoor sports shooting range;
- (c) monitoring and, where necessary, treatment of the gunshot-impact areas that do not have surface covering, 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.

*Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. OJ L 327, 22.12.2000, p.1. ELI: <http://data.europa.eu/eli/dir/2000/60/2014-11-20>.’

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