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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**

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:

	‘27. The following uses of gunshot containing a concentration of lead (expressed as metal) equal to or greater than 1% by weight are prohibited: (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) discharging gunshot while sports shooting outdoors, from <i>[Publications Office: insert date 5 years after EIF]</i>. 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. 28. The following uses of bullets containing a concentration of lead (expressed as metal) equal to or greater than 1% by weight are prohibited: (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) discharging any bullets while sports shooting outdoors, from <i>[Publications Office: insert date 5 years after EIF]</i>. For the purpose of determining whether a person found with bullets is carrying them as part of going hunting, 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. 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 5 years after EIF]</i>. 30. By way of derogation, paragraph 27, 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: (a) the outdoor sports shooting range has the risk-management measures laid down in Appendix [X] in place by <i>[Publications Office: insert date 5 years after EIF]</i>;
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	(b) the persons discharging such gunshot are active members of a sports shooting federation; (c) the outdoor sports shooting range keeps records of: (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 reports the total weight of gunshot discharged and recovered at their range during the reporting period to the responsible Member State authorities at a frequency to be set by those authorities and at least by <i>[Publications Office: insert date 5 years after EIF]</i> and every five years thereafter. 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 conditions in paragraph 30. 32. By way of derogation, paragraph 28, point (c), shall not apply to bullets for sports shooting discharged at an outdoor sports shooting range. Member States may adopt national provisions setting risk management measures for outdoor sports shooting range where lead bullets are used. 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. 33. From <i>[Publication Office: insert date 6 months after EIF]</i>, retailers of gunshot and bullets 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: <i>‘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:</i> <i>- [Publication Office: insert date 3 years after EIF] for gunshot for hunting</i> <i>- [Publication Office: insert date 18 months after EIF] for centrefire bullets of calibres of 5.6 mm or more</i> <i>- [Publication Office: insert date 10 years after EIF] for centrefire bullets of calibres less than 5.6 mm and rimfire bullets of any calibre</i> <i>More information, including on the availability of lead-free alternatives, is available at [www.echa.europa.eu]’</i> 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
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	unless the Member State concerned provides otherwise regarding those languages. 34. 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 <i>[Publication Office: insert date 18 months after EIF]</i>, the packaging of those products is clearly, visibly and indelibly labelled with the following statement, before placing those products on the market: <i>‘WARNING: this product contains lead which is very toxic to the environment and may damage fertility or the unborn child.’</i> 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. 35. By way of derogation, paragraphs 27, 28, 29, 33 and 34 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. 36. By way of derogation, paragraphs 28, 33, and 34 shall not apply to bullets containing copper and copper alloys with a concentration of lead (expressed as metal) less than 3% by weight. 37. By way of derogation, paragraph 28, points (a) and (b), and paragraphs 33 and 34 shall not apply to the following bullets, where their use is allowed by <i>[Publications Office: insert date of EIF]</i> 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. 38. By way of derogation, paragraph 28, 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. 39. The derogations in paragraphs 30, 31, 32 and 36 shall be reviewed by the Commission, based on a report produced by the Agency, after <i>[Publications Office: insert date of 10 years after EIF]</i>. (a) 40. Member States shall make publicly available by <i>[Publications Office: insert date 6 years after EIF]</i> 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). (b) report the cumulative weight of gunshot supplied and recovered on their
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	territory during the reporting period, derived from the information received pursuant to paragraph 30, point (d), to the Agency by <i>[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]</i>, and every five years thereafter. 41. Paragraphs 27 to 40 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 as part of going hunting 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. 42. For the purposes of paragraphs 27 to 43: (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) “active member” means someone who has a valid membership of a sports shooting federation; (j) “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; (k) “going hunting” means travelling from a private dwelling or a public building to the place where hunting is performed;
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	(l) “historical firearms” means firearms manufactured before 1st January 1900. (m) “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. 43. 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 and bullets that are stricter than provided for in paragraphs 27, 28, 30, 32, and 35-38. 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. ,
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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 paragraphs 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 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 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.'