



European Commission proposal D105447/02	FITASC/ESC proposed amendments
<p>ACT - Point 37</p> <p>The Commission agrees that a ban on the placing on the market and use of lead gunshot for sports shooting (as proposed by the Agency and supported by RAC and SEAC) would make enforcement easier. However, the Commission notes that such a ban could affect Member States' possibility to host the Olympic Games and other international competitions in which the use of lead is mandatory. It would also prevent athletes from training with lead shot in Member States.</p> <p>The Commission considers that a switch to alternative ammunition (such as steel shot) could be achieved through a long-term but time-limited derogation (15 years).</p> <p>The derogation should be limited to gunshot sizes between 1.9 mm and 2.6 mm, which are the only calibres used in competitions.</p> <p>The derogation should also depend on the presence, in the shooting range where the sports shooting takes place, of appropriate risk management measures, both to ensure lead containment and to limit the release of lead.</p> <p>The Commission does not consider it appropriate to include among the mandatory risk management measures some of the measures recommended by the Agency, such as:</p> <ul style="list-style-type: none"> (i) the obligation to recover more than 90% of spent lead gunshot, as the small dimensions of the gunshot and the wide area across which the gunshot is discharged makes such a high recovery rate very difficult to achieve; (ii) or (ii) the mandatory licensing of users of sports shooting ranges by Member States, which it considers to be too bureaucratic and labour intensive. <p>The Commission nevertheless considers it appropriate to include, as recommended by the Agency:</p> <ul style="list-style-type: none"> (i) the obligation to contain, monitor and, where necessary, treat drainage water (including surface water run-off) from gunshot impact areas; (ii) and (ii) the prohibition of any agricultural use within a shooting range's boundary. <p>The Commission also considers it appropriate to include additional risk management measures intended to ensure a level of protection comparable to that of the measures proposed by the Agency, namely the implementation of:</p> <ul style="list-style-type: none"> (i) at least two specific lead-containment measures (walls, berms or banks, nets or shot curtains, and surface covering); (ii) pH monitoring and, where necessary, treatment of gunshot-impact areas; 	<p>ACT - Point 37</p> <p>The Commission agrees that a ban on the placing on the market and use of lead gunshot for sports shooting (as proposed by the Agency and supported by RAC and SEAC) would make enforcement easier. However, the Commission notes that such a ban could affect Member States' possibility to host the Olympic Games and other international competitions in which the use of lead is mandatory. It would also prevent athletes from training with lead shot in Member States.</p> <p>The Commission considers that a switch to alternative ammunition (such as steel shot) could be achieved through a long-term but time-limited derogation (15 years), to be renewable, essential guarantee to justify the necessary investments for both industry and sports facilities.</p> <p>The derogation should be limited to gunshot sizes between 1.9 mm and 2.6 mm, which are the only calibres used in competitions.</p> <p>The derogation should also depend on the presence, in the shooting range where the sports shooting takes place, of appropriate risk management measures, both to ensure lead containment and to limit the release of lead.</p> <p>The Commission does not consider it appropriate to include among the mandatory risk management measures some of the measures recommended by the Agency, such as:</p> <ul style="list-style-type: none"> (iii) the obligation to recover more than 90% of spent lead gunshot, as the small dimensions of the gunshot and the wide area across which the gunshot is discharged makes such a high recovery rate very difficult to achieve; (iv) or (ii) the mandatory licensing of users of sports shooting ranges by Member States, which it considers to be too bureaucratic and labour intensive. <p>The Commission nevertheless considers it appropriate to include, as recommended by the Agency:</p> <ul style="list-style-type: none"> (iii) the obligation to contain, monitor and, where necessary, treat drainage water (including surface water run-off) from gunshot impact areas; (iv) and (ii) the prohibition of any agricultural use within a shooting range's boundary. <p>The Commission also considers it appropriate to include additional risk management measures intended to ensure a level of protection comparable to that of the measures proposed by the Agency, namely the implementation of:</p> <ul style="list-style-type: none"> (i) At least one site-specific solution of lead-containment measures (walls, berms or banks, nets or shot curtains, and surface covering); (ii) pH monitoring and, where necessary, treatment of gunshot-impact areas; (iii) limiting the use of lead gunshot to members of a sports shooting federation;



<p>(iii) limiting the use of lead gunshot to members of a sports shooting federation;</p> <p>(iv) and limiting the number of operators that can place the derogated gunshot calibres on the market.</p> <p>Outdoor sports shooting ranges should also recover spent lead shot at least once every three years and should report information concerning lead spent and recovered on their premises to the responsible Member State authorities, so that the effectiveness of the risk management measures to minimise lead emissions from sports shooting with lead gunshot can be monitored. The Commission also considers that a review of that derogation after 10 years is needed in order to evaluate the progress made towards achieving a Union-wide switch to alternatives in sports shooting.</p>	<p>(iv) and limiting the number of operators that can place the derogated gunshot calibres on the market.</p> <p><i>Under these conditions, with the chemical mobility of lead blocked thanks to the soil pH neutrality, outdoor sports shooting ranges should also recover spent lead shot at least once every three years when the quantity of lead shot falls is sufficient to fund its recovery, and should report information concerning lead spent and recovered on their premises to the responsible Member State authorities, so that the effectiveness of the risk management measures to minimise lead emissions from sports shooting with lead gunshot can be monitored. The Commission also considers that a review of that derogation after 10 years is needed in order to evaluate the progress made towards achieving a Union-wide switch to alternatives in sports shooting.</i></p>
<p>Point 44</p> <p>Member States should be asked to report the information received from outdoor sports-shooting ranges to the Agency every five years, so that the information on the effectiveness of the risk-management measures is available to the Commission and the other Member States. In order to facilitate the smooth and timely implementation of the restriction, Member States should also rapidly make available: (i) the instructions and procedure for authorising outdoor sports-shooting ranges for shooting with gunshot; and (ii) a list of those authorised outdoor sports-shooting ranges.</p>	<p>Point 44</p> <p>Member States should be asked to report the information received from outdoor sports-shooting ranges to the Agency every five years, so that the information on the effectiveness of the risk-management measures is available to the Commission and the other Member States. In order to facilitate the smooth and timely implementation of the restriction, Member States should also rapidly make available: (i) the instructions and procedure for authorising outdoor sports-shooting ranges for shooting with gunshot; and (ii) a list of those authorised outdoor sports-shooting ranges.</p>



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<p>ANNEX - Point 25</p> <p>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:</p> <ul style="list-style-type: none"> a. the discharging of such gunshot takes place at an authorised outdoor sports shooting range; b. the persons discharging such gunshot are active members of a sports shooting federation and discharge such gunshot at any authorised outdoor sports shooting range; c. the authorised outdoor sports shooting ranges keep 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. authorised outdoor sports shooting ranges report the cumulated 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 [Publications Office: insert date 5 years after EIF] and every five years thereafter. 	<p>ANNEX - Point 25</p> <p>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:</p> <ul style="list-style-type: none"> a. the discharging of such gunshot takes place at an authorised outdoor sports shooting range; b. the persons discharging such gunshot are active members of a sports shooting federation and discharge such gunshot at any authorised outdoor sports shooting range; c. the authorised outdoor sports shooting ranges keep 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, when lead recovery took place during the year. d. authorised outdoor sports shooting ranges report the cumulated 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 [Publications Office: insert date 5 years after EIF] and every five years thereafter.
<p>ANNEX - Point 26</p> <p>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:</p> <ul style="list-style-type: none"> (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. 	<p>ANNEX - Point 26</p> <p>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:</p> <ul style="list-style-type: none"> (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.



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<p>ANNEX - Point 30</p> <p>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:</p> <p><i>‘WARNING: this product contains lead which is very toxic to the environment and may damage fertility or the unborn child.’</i></p> <p>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.</p>	<p>ANNEX - Point 30</p> <p>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:</p> <p><i>‘WARNING: this product contains lead which is very toxic to the environment and may damage fertility or the unborn child.’</i></p> <p>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.</p>
<p>Annexe - Point 36</p> <p>Member States shall:</p> <ol style="list-style-type: none"> 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. 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]; make publicly available a list of authorised sports shooting ranges by [Publications Office: insert date 6 years after EIF]. 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. 	<p>Annexe - Point 36</p> <p>Member States shall:</p> <ol style="list-style-type: none"> 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. 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]; make publicly available a list of authorised sports shooting ranges by [Publications Office: insert date 6 years after EIF]. 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.



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<p>Annexe - Point 38</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> <ul style="list-style-type: none"> (i) discharging such gunshot by active members of a sports shooting federation while sports shooting; (ii) supplying such gunshot to active members of a sports shooting federation for use in that range [MISTAKE]. 	<p>Annexe - Point 38</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> <ul style="list-style-type: none"> (i) discharging such gunshot by active members of a sports shooting federation while sports shooting; (ii) supplying such gunshot to active members of a sports shooting federation for use in that range [To comply with point 26 of ANNEX].
<p>Annexe [X]</p> <p>(3) The following Appendix [X] [Publications Office, please insert the number of the Appendix] is added:</p> <p>‘Appendix [X] Entry 63 – Conditions for the application of the derogation in paragraph 25</p> <p>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).</p> <p>Risk-management measures for use of gunshot in outdoor sports shooting ranges</p> <p>The following risk-management measures shall be present in outdoor sports shooting ranges where gunshot is discharged:</p> <p>(a) at least two different lead-containment measures, chosen from the following list:</p> <ul style="list-style-type: none"> ▪ 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; <p>(b) recovery of spent lead shot at least every 3 years and upon cessation of activity of the outdoor sports shooting range;</p> <p>(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;</p> <p>(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;</p> <p>(e) a ban on any agricultural use within the site’s boundaries;</p> <p>(f) records of compliance with the conditions in this paragraph.’</p>	<p>Annexe [X]</p> <p>(3) The following Appendix [X] [Publications Office, please insert the number of the Appendix] is added:</p> <p>‘Appendix [X] Entry 63 – Conditions for the application of the derogation in paragraph 25</p> <p>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).</p> <p>Risk-management measures for use of gunshot in outdoor sports shooting ranges</p> <p>The following risk-management measures shall be present in outdoor sports shooting ranges where gunshot is discharged:</p> <p>(a) At least one site-specific solution of lead-containment measures, chosen from the following list:</p> <ul style="list-style-type: none"> ▪ 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; <p>(b) recovery of spent lead shot when the quantity of lead shot falls is sufficient to fund its recovery at least every 3 years and upon cessation of activity of the outdoor sports shooting range;</p> <p>(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;</p> <p>(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;</p> <p>(e) a ban on any agricultural use within the site’s boundaries;</p> <p>(f) records of compliance with the conditions in this paragraph.’</p>