

Helsinki, 3 June 2022

Lead in ammunition for outdoor shooting and in fishing – questions and answers

1. ECHA has updated its original restriction proposal. Is this normal practice? What are the key updates?

Updating the restriction proposal is part of the normal practice in the restrictions process under REACH. The six-month consultation can bring new information to light, which prompts ECHA or the Member State preparing the proposal (the dossier submitter) to update it.

In the case of this restriction proposal, ECHA received 319 comments during the consultation, which ran from 24 March 2021 to 24 September 2021.

The key updates to the proposal are:

Higher concentration limit for bullets and pellets containing copper or copper alloys

- *Initial proposal:* The concentration limit for lead at which the ban applies is 1 % weight by weight (w/w).
- *Updated proposal:* The updated proposal would allow lead in concentrations of up to 3 % w/w in bullets and pellets primarily made of copper or copper alloys (e.g. brass). This derogation would need to be reviewed before entry into force to determine if a concentration of less than 1 % can be achieved.
- *Reason for update:* A higher concentration limit for copper and copper alloys is proposed because alternatives made of brass may currently contain up to 3 % lead. Without this change many of the existing alternatives to lead ammunition could not be used. A further reduction of the lead in brass bullets is technically possible. To make sure that industry continues to minimise the lead concentration in bullets made with copper or copper alloys, a review of this limit is needed before the restriction enters into force.

Additional derogations for hunting with bullets

- *Initial proposal:* No derogations for specific uses or types of bullets for hunting.
- *Updated proposal:* Derogations for using bullets in seal hunting and for full metal jacket bullets. For seal hunting, the user needs permission from the Member State to hunt seals. Use of full metal jacket bullets also requires a permit.
- *Reason for update:* The risks to people and the environment are low or insignificant from these uses. Currently, there are no alternatives available with a similar technical performance.

Use of bullets for sports shooting (conditional derogation)

- *Initial proposal:* Sports shooting with lead bullets could continue at designated sports

shooting sites that have bullet containment in place (bullet traps) allowing more than 90 % of lead to be recovered. These containment measures are to be in place 18 months after entry into force for large calibre bullets and five years after entry into force for small calibre bullets.

- *Updated proposal:* Sports shooting with lead bullets of all calibres can continue if trap chambers or 'best practice' sand traps are in place at the shooting site five years after entry into force. In addition, owners of shooting sites need to notify the relevant Member State within 18 months of entry into force of their location and make sure that no agricultural activities take place at that location.
- *Reason for update:* The list of containment measures was extended after the six-month consultation to include 'best practice' sand traps, which were found to be as effective as 'trap chambers' to prevent releases of lead to the environment. The transition period was updated to five years for all calibres to give time to implement the required containment measures. The requirement to notify Member States will increase the national authorities' knowledge of affected sites and help with enforcement.

Hunting with small calibre lead bullets

- *Initial proposal:* A transition period of five years.
- *Updated proposal:* A five-year transition period, the duration of which needs to be reviewed before the ban enters into force.
- *Reason for update:* Although alternatives to lead ammunition in small calibres are available, there is uncertainty whether their technical performance (in terms of precision) is adequate for hunting. The proposed transition period will allow industry to further develop alternatives. However, the review of technical feasibility before the entry into force will ensure that the impacts for society are not disproportionate. If the technical performance of alternatives is not good enough at the time of the review, the transition period can be extended.

2. What are the key points of the *draft* opinion of the Committee for Socio-Economic Analysis (SEAC)?

SEAC makes, among others, the following remarks in its *draft* opinion. It also identifies topics where more information would be needed from the public during the 60-day consultation on its draft opinion. Note that the committee's opinion will be formally adopted only in December 2022.

- **Shorter transition period for using lead gunshot for hunting:** SEAC considers that the transition period could be shorter, for example 18 months, instead of five years. SEAC finds that there is not enough evidence indicating that increasing the production volumes of alternative ammunition would require five years. Also, hunting with gunshot significantly contributes to the risks arising from lead.

To draw a conclusion on the impacts of a shorter transition period, SEAC will ask for further information in the consultation.

- **Labelling of ammunition and fishing sinkers containing lead and information to consumers at point of sale:** SEAC agrees with RAC that the same concentration threshold of 1 % weight by weight (w/w) used for restricting the use and placing on the market of lead ammunition should also apply to the labelling and information requirements. SEAC points out that the threshold in the restriction of lead gunshot in or around wetlands is also 1 % w/w.
- **Derogation for lead gunshot in sports shooting:** SEAC considers that if a derogation for lead gunshot in sports shooting is preferred by the decision maker, it

should be limited to shot sizes used in sports shooting, according to the Fédération Internationale de Tir aux Armes Sportives de Chasse/International Shooting Sport Federation (FITASC/ISSF) rules. This means shot sizes between 1.9 and 2.6 mm. The aim is to retain the advantages of a ban on placing on the market of lead gunshot as much as possible.

In addition, SEAC considers that the impacts of restricting some uses, e.g. lead sinkers and lures >50 g and lead split shots, need to be further assessed to conclude on whether a derogation could be justified on socio-economic grounds.

The *draft* opinion of SEAC will be available on ECHA's website shortly. A 60-day consultation on the opinion will start on 29 June 2022. The committee is expected to adopt its opinion in December 2022.

3. What are the key points of the scientific opinion adopted by the Committee for Risk Assessment (RAC)?

RAC adopted its opinion on 31 May 2022. The committee considers that the proposed restriction is the most appropriate EU-wide action to address the identified risks to the people, wildlife and the environment. It supports the proposal made by ECHA but presents some modifications and recommendations to the European Commission, that will – together with the EU Member States – decide on the restriction.

- **Shorter transition period for using lead gunshot for hunting:** RAC considers that a five-year transition period to ban lead in gunshot for hunting, as proposed by ECHA, is not necessary and that substitution can take place sooner. This takes into account that the use of [lead gunshot in wetlands is already regulated](#) in the EU. The shorter the transition period, the less lead that will be released into the environment.
- **Labelling of ammunition and fishing sinkers containing lead and information to consumers at point of sale:** RAC recommends that the need to label products and inform consumers of their risks should be triggered at a concentration threshold of 1 % weight by weight (w/w). This is the same threshold as for restricting the use and placing on the market of lead ammunition and fishing sinkers. Having the same concentration would ease enforcement of the restriction. ECHA originally proposed a threshold of 0.3 % w/w.

RAC also considers that if a derogation allowing the use of copper or copper alloys containing lead up to 3 % in bullets is implemented – as proposed by ECHA in the updated restriction proposal – then the labelling and information requirements should apply only when lead content is ≥ 3 % w/w. This is to support the use of copper-based alternatives which are less hazardous compared to lead bullets.

- **Derogation for lead gunshot in sports shooting:** RAC considers that enforcement of the restriction would be simplified if this derogation was not implemented. This is in line with ECHA's preferred restriction option. However, if the decision maker decides that this derogation is needed, RAC suggests that it should be limited to shot sizes used in sports shooting (between 1.9 and 2.6 mm).

RAC also makes the following recommendations for the European Commission and Member States:

- **Remediation** needs to happen at the end of service life of all shooting ranges in addition to implementing the specific risk management measures proposed by ECHA.
- To minimise shooters' exposure to lead, managing the risks of lead from **primers** should be considered.
- To minimise shooters' exposure to lead, RAC points out that actions should be taken to manage risks to people practicing at **indoor shooting ranges**.

- RAC recommends that shooting ranges should be requested to **inform shooters** about the risks of lead.
- RAC recommends setting a **regulatory maximum level** for lead in game meat. This could be similar to the maximum levels set for lead in other meat than game defined in the *Commission Regulation for setting maximum levels for certain contaminants in foodstuffs (EC) 1881/2006*.
- Improving the **definition of fishing wire** would enable a more effective enforcement of the restriction.
- Decision makers should consider whether there is a need to create a **collection system** for banned lead ammunition and fishing tackle or how to provide information on the safe disposal of these articles.

The RAC opinion will be available on ECHA's website shortly. See [news of 31 May](#).

4. How are stakeholders, e.g. NGOs and companies, involved in the restriction process? What about transparency?

Restriction proposals undergo two wide stakeholder consultations to which anyone can contribute. The consultation on the initial proposal (Annex XV report) is six months long. During the consultation, which ran from March 2021 to September 2021, 319 comments from different stakeholder groups were received. The consultation comments are available on [ECHA's website](#) (file RCOM).

ECHA's scientific committees are obligated to take the comments received into account when assessing the proposal and developing their opinions. There is always a second 60-day long consultation on the draft opinion of SEAC, which allows the public to provide additional information on the impacts on society of the proposal. For the proposed restriction on lead in ammunition for outdoor shooting and in fishing, this consultation will take place from 29 June 2022 until 29 August 2022.

All non-confidential comments received during the consultations are published on ECHA's website. Regular and occasional stakeholders observe the meetings of RAC and SEAC to ensure the transparency of opinion making.

More about the committees' procedures: [RAC](#) | [SEAC](#)

5. How is it ensured that the two committees give independent opinions?

The members of the two committees are nominated by EU Member States and appointed by ECHA's Management Board in their personal capacity. The members are not allowed to be given instructions by their nominating or employing Member State and must also declare any conflicts of interest on the proposal. On the other hand, Member States are obliged to support the work of their nominees.

In addition, it is the role of the chairs to ensure the evaluation is independent and consistent with other opinions made by the committees. ECHA supports the committee members appointed as rapporteurs.

Throughout the evaluation of the proposal, the scientific committees follow an evidence-based scientific approach.

6. Who decides on a potential restriction?

ECHA will send the proposal and the opinions of the Committees for Risk Assessment and for Socio-Economic Analysis to the European Commission in early 2023.

The Commission is expected to prepare its proposal following ECHA's proposal and the opinions of the two committees. The Commission's proposal to amend the list of restrictions (Annex XVII) to the REACH Regulation will be submitted to a vote before the EU Member States in the Commission's REACH Committee, followed by a period of scrutiny by the European Parliament and the Council.

[European Commission's role in the REACH Regulation](#)