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European Union

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#### COVER NOTE

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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 4 September 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council  
of the European Union

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Subject: 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 gunshot in or around wetlands

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Delegations will find attached document [...] (2020) XXX draft - D0064660/06 ANNEX.

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Brussels, **XXX**  
D064660/06  
[...](2020) **XXX** draft

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 gunshot in or around wetlands**

## ANNEX

In Annex XVII to Regulation (EC) No 1907/2006, in entry 63, the following paragraphs are added in the second column:

	<p>‘[20]. Doing either of the following acts after [<i>Publications office - please fill in the date that is 24 months from date of entry into force of this amending Regulation</i>] in or within 100 metres of wetlands is prohibited:</p> <ul style="list-style-type: none"><li>(a) discharging gunshot containing a concentration of lead (expressed as metal) equal to or greater than 1% by weight;</li><li>(b) carrying any such gunshot where this occurs while out wetland shooting or as part of going wetland shooting.</li></ul> <p>For the purposes of the first subparagraph:</p> <ul style="list-style-type: none"><li>(a) ‘within 100 metres of wetlands’ means within 100 metres outward from any outer boundary point of a wetland;</li><li>(b) ‘wetland shooting’ means shooting in or within 100 metres of wetlands;</li><li>(c) if a person is found carrying gunshot in or within 100 metres of wetlands while out shooting or as part of going shooting, the shooting concerned shall be presumed to be wetland shooting unless that person can demonstrate that it was some other type of shooting.</li></ul> <p>The restriction laid down in the first subparagraph shall not apply in a Member State if that Member State notifies the Commission in accordance with paragraph [21] that it intends to make use of the option</p>
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granted by that paragraph.

[21]. If at least 20 % in total of the territory, excluding the territorial waters, of a Member State are wetlands, that Member State may, in place of the restriction laid down in the first subparagraph of paragraph [20], prohibit the following acts throughout the whole of its territory from *[Publications office - please fill in the date that is 36 months from entry into force of this amending Regulation]*:

- (a) the placing on the market of gunshot containing a concentration of lead (expressed as metal) equal to or greater than 1% by weight;
- (b) the discharging of any such gunshot;
- (c) carrying any such gunshot while out shooting or as part of going shooting.

Any Member State intending to make use of the option granted by the first subparagraph shall notify the Commission of this intention by *[Publications office - please fill in the date that is 6 months from entry into force of this amending Regulation]*. The Member State shall communicate the text of the national measures adopted by it to the Commission without delay and in any event by *[Publications office - please fill in the date that is 30 months from entry into force of this amending Regulation]*. The Commission shall make publicly available without delay any such notices of intention and texts of national measures received by it.

[22]. For the purposes of paragraphs [20] and [21]:

- (a) “wetlands” means areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water

that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres;

(b) “gunshot” means pellets used or intended for use in a single charge or cartridge in a shotgun;

(c) “shotgun” means a smooth-bore gun, excluding airguns;

(d) “shooting” means any shooting with a shotgun;

(e) “carrying” means any carrying on the person or carrying or transporting by any other means;

(f) in determining whether a person found with gunshot is carrying gunshot “as part of going shooting”:

- (i) regard shall be had to all the circumstances of the case;
- (ii) the person found with the gunshot need not necessarily be the same person as the person shooting.’.

[23]. Member States may maintain national provisions for protection of the environment or human health in force on [*Publications office - please fill in the date of entry into force of this amending Regulation*] and restricting lead in gunshot more severely than provided for in paragraph [20].

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.

