



Council of the
European Union

Brussels, 20 November 2020
(OR. en)

13086/20

COMPET 567
ENT 135
MI 503
SAN 414
CONSOM 190
ENV 722

'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

No. Cion doc.: ST 10557/20 + ADD 1 - D00664660/06

Subject: 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

- Decision not to oppose adoption
- Decision to use the written procedure

1. On 4 September 2020, the Commission submitted the above draft Regulation to the Council, which amends Annex XVII of Regulation (EC) 1907/2006¹, in accordance with its Articles 68(1), 69(1), and 133; Article 4(2) of Directive 2009/147/EC²; and Article 5a(3)(a) and (d) of Council Decision 1999/468/EC³.

¹ Regulation (EC) 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation, and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94, as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1);

² Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (latest consolidated version - 26/06/2019)

³ Latest consolidated version of 23/07/2006;

Pursuant to the said articles, if neither the European Parliament nor the Council have opposed the measures envisaged by the Commission, the draft Regulation shall be adopted by the Commission.

2. Article 131 of Regulation (EC) No 1907/2006 provides that the Annexes of this Regulation may be amended in accordance with the procedure referred to in Article 133.
3. Article 4(2) of Directive 2009/147/EC requires Member States to pay particular attention to the protection of wetlands, and especially to wetlands of international importance, in the taking of conservation measures with regard to regularly occurring migratory species.
4. In 2017, The European Chemicals Agency (ECHA) published the *Annex XV Dossier*⁴ which proposes restriction on the use of lead and lead compounds in gunshot for shooting with a shotgun within a wetland or where spent gunshot would land within a wetland. ECHA also proposed in wetlands areas to restrict the possession of gunshot containing lead equal to or greater than 1% ('lead gunshot') in order to enhance enforceability of the proposed restriction. It concluded that lead in gunshot in wetlands leads to a risk to waterbirds that ingest spent lead gunshot, leading to toxicological effects, including death.
5. On 3 September 2020, the Committee, established under Regulation (EC) No 1907/2006, voted in favour of the measure in the above draft Regulation in accordance with Article 5a(2) of Council Decision 1999/468/EC. The Committee voted the draft measure with 18 delegations in favour, 5 against, and 4 abstained.
6. On 8 September 2020, delegations were asked by 10 November 2020 to indicate their possible opposition to the draft Regulation. Five delegations raised their opposition.

⁴ <https://echa.europa.eu/documents/10162/6ef877d5-94b7-a8f8-1c49-8c07c894fff7>

7. In view of the above, the Permanent Representatives Committee is invited to:
- confirm its non-opposition to the draft Regulation set out in document ST 10557/20 + ADD 1, and
 - decide, in accordance with the first sub-paragraph of Article 12(1) of the Council's Rules of Procedure⁵ and Article 1 of Council Decision 2020/430⁶, that the Council use the written procedure for the adoption of the Regulation set out in document ST 10557/20 + ADD 1.
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⁵ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35);

⁶ Council Decision (EU) 2020/430 of 23 March 2020 on a temporary derogation from the Council's Rules of Procedure in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 881, 24.3.2020, p. 1), as most recently extended by Decision (EU) 2020/970 of 4 September 2020 (OJ L 294, 8.9.2020, pp. 1–2).