



Brussels, **XXX**
[...](2019) **XXX** draft

ANNEX 1

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 18 months from date of entry into force of this amending Regulation]</i> in or within 400 metres of wetlands is prohibited:</p> <ul style="list-style-type: none">(a) discharging gunshot containing a concentration of lead (expressed as metal) equal to or greater than 1% by weight;(b) being in possession of any such gunshot where this occurs while out wetland shooting or as part of going wetland shooting. <p>For the purposes of the first subparagraph:</p> <ul style="list-style-type: none">(a) an area is considered to be within 400 metres of wetlands if it lies within 400 metres outward from any outer boundary point of a wetland;(b) ‘wetland shooting’ means shooting in or within 400 metres of wetlands;(c) if a person is found in possession of gunshot in or within 400 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. <p>The restriction contained 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 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) the being in possession of 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 send a copy 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 copies 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

	<p>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;</p> <p>(b) “gunshot” means pellets used or intended for use in a single charge or cartridge in a shotgun;</p> <p>(c) “shotgun” means a smooth-bore gun, excluding airguns;</p> <p>(d) “shooting” means shooting with a shotgun and includes any form of hunting with a shotgun;</p> <p>(e) in determining whether a person found with gunshot is in possession of gunshot “as part of going shooting”:</p> <ul style="list-style-type: none">(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.’.
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