



*Report about the AECAC  
activity in 2018*

**March 2019**



## **AECAC activities in 2018**

1. The last AECAC **GENERAL ASSEMBLY** was held in Nuremberg on **March 2018**.

### **2. FULFILMENT OF TAX OBLIGATIONS before the Belgian authorities.**

We should thank the Belgian association which representative, **Mr. Nico Demeyere** (Belgian Lawyer), gives AECAC tax assistance without any charge.

It is necessary to remind once again the inputs system: the partners do not pay fees but make **voluntary contributions** depending on the Association's needs. Such payments are not obligatory, nor regular, but agreed yearly.

### **3. EUROPEAN FIREARMS DIRECTIVE**

In 1991, the EU adopted the "**Firearms**" **Directive (91/477/EEC on control of the acquisition and possession of weapons)** to facilitate **the free movement of persons and goods** in the *Internal Market*, as an accompanying measure to the abolition of internal frontier controls between EU Member States. The Directive lays down a **minimum level of harmonization** of rules for the legal acquisition and possession of civil firearms, based on a classification of firearms in categories. Member States are, however, entitled to take more stringent measures.

#### **Amendment by Directive 2008/51**

In 2008 an **amending Directive (2008/51/CE of the European Parliament and of the Council of 21 May 2008)** was approved in order to reinforce the security aspects of the Firearms Directive, allowing a partial alignment with the **UN Firearms Protocol (*Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunitions*)**. It prescribed, in particular, a better **marking** of firearms as well as computerized record keeping systems for firearms for a minimum of 20 years.

#### **Amendment by Directive 2017/853**

In 2017 a second amendment was approved. The amendment provided the following calendar:

- MS have shall bring into force the laws necessary to comply with the general rules of the Directive by **14 September 2018**. Although many MS have already transposed the Directive, many others are still in process of doing so.
- Registration of dealers and brokers and new computerised data-filing system to be implemented by **14 December 2019**.
- Registration of firearms under Categories C 5 (converted to fire blanks), 6 (deactivated) and 7 (Single-shot long firearms with smooth-bore barrels), might be suspended till **14 March 2021**.

#### **Some important questions:**

- Firearms of categories A-6 (converted from full-auto) and A-7 (firearms with high capacity magazines – 20 rounds for short firearms and 10 rounds for long firearms) are prohibited. Its possession could be possible with a special authorization and condition to the practice of sport shooting.
- The possession of firearms for sport shooting activities will require an effective sporting activity.
- The duration of a firearms license will be of 5 years.
- Collectors fall into the scope of the Directive. Their license will also be of 5 years.



- Dealers shall have an electronic data base, with records of all firearms.
- Firearms manufactured or imported into the EU will require a unique marking in all essential parts.
- Deactivated firearms shall be registered.
- Marking of historical firearms will be regulated by each member state.
- Reproductions of antique firearms, previously excluded from the scope of the Directive, are now treated as normal firearms.

## TRANSPOSITION ISSUES

Most Member States are now preparing their national transposition legislative acts. This is a very critical moment and it is very important that each national association is attentive of this procedure to avoid misinterpretations or wrong transpositions.

AECAC has already studied the text in several languages and pointed some issues on the linguistic versions that could lead to confusion.

Also through the ESSF an **early alert system** has been put in place to point any issues detected by national associations.

### Issue detected (rim fire exceptions):

AECAC has pointed an issue that we have detected in the versions in **French, German, Dutch and Italian** of article 5.3. of the new Directive.

During the Directive negotiation AECAC proposed to include an exception for rim-fire magazines to the ban of owning high capacity loading devices (with more than 20 rounds for short firearms or 10 for long ones). Such proposal was accepted and the English version of the Directive (which is the one that was negotiated) provides the following:

***Art. 5.3. Member States shall ensure that an authorisation to acquire an authorisation to possess a firearm classified in category B shall be withdrawn if the person who was granted that authorisation is found to be in possession of a loading device apt to be fitted to CENTRE-FIRE semi-automatic firearms or repeating firearms, which: (a) can hold more than 20 rounds; or (b) in the case of long firearms, can hold more than 10 rounds, unless that person has been granted an authorisation under Article 6 or an authorisation which has been confirmed, renewed or prolonged under Article 7 (4<sup>a</sup>).***

The Italian version of this article has not included the exception for calibre 22 (rim-fire) and does not include at all the reference to “center-fire”, so it implies that ALL high capacity magazines are banned. This was not at all the intention of the legislator as this exception was clearly introduced in a second stage. The rim-fire exception is also consistent with Annex I of the Directive, which clearly refers only to centre-fire.

***Art. 5.3. Gli Stati membri provvedono affinché un'autorizzazione ad acquisire e un'autorizzazione a detenere un'arma da fuoco rientrante nella categoria B sia revocata qualora la persona cui era stata concessa risulti essere in possesso di un caricatore idoneo a essere montato su armi da fuoco semiautomatiche o su armi da fuoco a ripetizione: a) che possano contenere più di 20 colpi; o b) nel caso delle armi da fuoco lunghe, che possano contenere più di 10 colpi, a meno che a detta persona non sia stata concessa un'autorizzazione a norma dell'articolo 6 o un'autorizzazione che sia stata confermata, rinnovata o prorogata a norma dell'articolo 7, paragrafo 4 bis.***



So according to the Italian version all high capacity magazines (and not only the center-fire ones) would be banned.

Also the **German, Dutch and the French** versions can create trouble. These versions seem to ban high capacity magazines for rim-fire repeating firearms and allow them for rim-fire semi-automatic firearms.

The English version mentions “loading device apt to be fitted to CENTRE-FIRE semi-automatic firearms or repeating firearms”

While the German and French provide the ban of “loading device apt to be fitted to semi-automatic firearms with CENTRE-FIRE percussion or repeating firearms”

So by changing the position of the term “centre-fire”, it seems that all repeating firearms are affected and the centre-fire exception only affects to semi-automatic. Obviously this wording has no sense, as the regime for repeating firearms cannot be more restrictive than the one for semi-automatics. Also this would not be consistent with Annex I. In any case it is very important to point it now before the mistake gets transposed to national legislations.

Below French, German and Dutch versions:

**Art. 5.3.** Les États membres veillent à ce qu'une autorisation d'acquérir et une autorisation de détenir une arme à feu de la catégorie B soit retirée si la personne qui a reçu cette autorisation est trouvée en possession d'un chargeur susceptible d'être monté sur des armes à feu semi-automatiques **à percussion centrale ou à répétition** qui: a) peut contenir plus de vingt cartouches; ou b) dans le cas d'armes à feu longues, peut contenir plus de dix cartouches, à moins que cette personne ait obtenu une autorisation au titre de l'article 6 ou une autorisation qui a été confirmée, renouvelée ou prolongée au titre de l'article 7, paragraphe 4 bis.

**Art. 5.3.** Die Mitgliedstaaten stellen sicher, dass die Genehmigung für den Erwerb oder die Genehmigung für den Besitz einer Feuerwaffe der Kategorie B entzogen wird, wenn festgestellt wird, dass die Person, der die Genehmigung erteilt wurde, sich im Besitz einer Ladevorrichtung befindet, **die an halbautomatische Zentralfeuerwaffen oder Repetierwaffen** montiert werden kann und: a) die mehr als 20 Patronen aufnehmen kann oder b) im Falle von Lang-Feuerwaffen, die mehr als zehn Patronen aufnehmen kann, es sei denn, der entsprechenden Person wurde eine Genehmigung gemäß Artikel 6 oder eine Genehmigung, die gemäß Artikel 7 Absatz 4a bestätigt, erneuert oder verlängert wurde, erteilt.

**Art. 5.3.** De lidstaten zorgen ervoor dat een vergunning voor het verwerven en een vergunning voor het voorhanden hebben van een in categorie B ingedeeld vuurwapen wordt ingetrokken als blijkt dat degene aan wie die vergunning is verleend een magazijn in bezit heeft dat kan worden gemonteerd op **semiautomatische vuurwapens met centrale ontsteking of repeteervuurwapens** en dat: a) meer dan 20 patronen kan bevatten, of b) in het geval van lange vuurwapens, meer dan 10 patronen kan bevatten, tenzij aan deze persoon een vergunning is verleend uit hoofde van artikel 6 of een vergunning die is bevestigd, vernieuwd of verlengd uit hoofde van artikel 7, lid 4 bis.

We shall mention that although the English version is the one that was originally negotiated and voted, all other linguistic versions are equally valid. So in case of discrepancy the wording shall be interpreted according to the general sense of the text.

#### 4. ACT ON FIREARMS MARKING

In October DG GROW published a Draft to implement the technical specifications for firearms marking according to the new Directive.



AECAC prepared a position paper with our opinion and circulated a guideline document to respond to the Consultation in the best way possible (attached as [Annex I](#)). Such position paper was based on the following:

**Proportionality.** AECAC is challenging the proportionality of requiring a “*unique marking*” on each essential part of a firearms. Firearms Directive only requires the “*unique marking*” only in one essential part and for the others essential parts requires a simplified system. Requiring the “*unique marking*” on all essential parts exceeds the mandate of the Directive and does not seem proportional at all.

**Technical question.** The minimum size of 1.6 mm for the marking, would be too big in some cases (f.i. marks on a revolver drum, below the ejector rod, as some manufacturers do). We proposed to reduce the minimum size to **1 mm**.

**Convention for the reciprocal recognition of proof marks on small arms of 1 July 1969 (CIP).** Article 4 of the Firearms Directive, provides the possibility for Member States to apply the provisions of the Convention for the reciprocal recognition of proof marks on small arms of 1 July 1969 (CIP) (“*For the purposes of paragraph 1 and this paragraph, Member States may choose to apply the provisions of the Convention for the Reciprocal Recognition of Proof Marks on Small Arms of 1 July 1969*”). Such alternative should be mentioned in the Implementing act.

**Regulatory effectiveness.** Considering that still very few Member States have implemented the required system of electronic registers due to the practical difficulties to fulfil such a duty, it does not seem very realistic to require now the new requirements.

**Impact for Small and Medium Enterprises.** The implementing act shall introduce simplified procedures for SME.

On 17 of January 2019 the implementing Directive 2019/68 was published (Directive establishing technical specifications for the marking of firearms and their essential components).

MS shall bring into force the transposition by **17 January 2020**.

These are the main points:

- Minimum size of marking: 1,6mm
- Possibility to apply smaller size for small essential components.
- For firearms made with non-metallic frames or receivers: marking to be applied at a metal plate. Other techniques (as laser cuts) also possible.
- Alphabets to be used: Latin, Cyrillic or Greek.
- Numbers: Arabic or Roman.

Due to lack of agreement between the MS there was finally no reference to a minimal depth of the marking.

## **5. IMPLEMENTING ACT ON ALARM AND SIGNAL WEAPONS**

On 17 of January 2019 the implementing Directive 2019/69 was published (Directive laying down technical specifications for alarm and signal weapons).

MS shall bring into force the transposition by **17 January 2020**.

These are the main points:



- This Directive lays down technical specifications for the **production** of alarm and signal weapons.
- Main objective is to avoid these weapons to be transformed into shooting firearms.
- Provides a check system which results shall be shared between MS.

#### **Main technical specifications:**

- Devices shall be capable of shooting pyrotechnic signalling rounds only if an adaptor at the muzzle is attached
- Shall have a durable device within the device that prevents the firing of “real” cartridges
- Designed for cartridges listed in Table VIII of the Tables of Dimensions of Cartridges and Chambers (TDCC) of the C.I.P.
- Not capable of being modified through the use of ordinary tools
- Essential components cannot be fitted or used as essential components of “real” firearms
- Barrels of the devices are not capable of being removed or modified without significantly damaging.
- Shall incorporate irremovable barriers such that a shot, bullet or projectile is not able to pass through the barrel.
- Barriers shall block the barrel in such a way that no gas can be fired from the front of the device
- All barriers are permanent and incapable of being knocked out without destroying the chamber or barrel of the device.
- Specifications on hardness of the barriers are laid down (minimum hardness of 700 HV 30 for blank firing devices and minimum hardness of 610 HV 30 for other devices).
- Devices shall prevent ammunition from being loaded in and fired from the device.

## **6. EVALUATION OF EU REGULATION OF FIREARMS IMPORT, EXPORT AND TRANSIT**

In accordance with Article 21(3) of Firearms Export Regulation (**Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012**), the Commission shall review the implementation of this Regulation and present a report to the European Parliament and the Council on its application, which may include **proposals for its amendment**.

In this frame the Commission engaged EY to carry out a study on its implementation. EY launched a public consultation in October 2018 in which AECAC participated both directly and by preparing a guidelines document for its members (Attached hereto as **Annex II**). Some of the answers and the strategy were the result of a compromise with the producers association IEACS.

Our main position is that the Regulation has an **acceptable level of implementation** and that no further legislative actions are required.

EY is still bringing ahead the evaluation in order to verify the state of implementation. After the EU elections and the nominee of the EC commissioners team will be published a proposal by DG home. It is expected to happen around the end of 2019, beginning 2020.

Our objective is to avoid a reopening of the Regulation or, as some minor changes on the definitions might be necessary to update it with the Firearms Directive, try to restrict any changes to those minimal updates. So the answers to the questionnaire followed a very low profile, intending to explain that the current Regulation works reasonably good and no further legislative measures are required.

## **7. THE LEAD ISSUE**

In February 2018, upon request of the **Swedish Chemical Agency (CHEMI)**, the **European Chemicals Agency (ECHA)** started a procedure aiming at **including Lead for all its uses**, including





the manufacturing of ammunition, in the **REACH Candidate List of Substances of very high concern**. Lead metal was already classified as **Toxic for Reproduction** (Category 1A) in the harmonized EU CLP Classification and thus meet the criteria for Candidate Listing.

AECAC opposed to this measure in front of the ECHA and prepared a position paper (See **Annex III**) which was presented in April. All AECAC actions related to this dossier were coordinated together with the ammunition producers association AFEMS and the rest of stakeholders with whom we had several coordination meetings. Also attached as **Annex IV** you'll find the ESSF position paper.

Notwithstanding AECAC's and other stakeholders opposition, lead was **finally included in the Candidate List** last **27<sup>th</sup> of June** after the ECHA Member State Committee.

Such inclusion brings to the following:

- From now on, manufacturers and distributors will have to **inform (also users)** of the risks related to its use
- Lead might be subject to ECHA authorization
- Gradual replacement by other appropriate substances might be required

So, from now on, a number of communication obligations are mandatory. In particular, under Article 31 (Requirements for safety data sheets) and Article 33 (Duty to communicate information on substances in article):

- Suppliers of lead metal as a substance or in a mixture should indicate in their **Safety Data Sheets that Pb metal is a Candidate Listed SVHC**
  - For pre-fabricated lead metal or mixtures (including alloys), a threshold of 0.3% or more applies
  - For Pb powder, or mixtures containing more than 0.03% Pb powder, the threshold of 0.03% or more applies
- **Suppliers** of articles containing more than 0.1% Pb by weight must inform **business recipients** that Pb metal is present when the article is supplied for the first time after the substance is formally included in the Candidate List.
- **In the case of supply to the general public**, the same information must be provided within 45 days of a consumer request.

Although these duties are mainly **to be fulfilled by producers and gross distributors**, it is possible that consumers request information, so you shall be prepared.

The Association of Ammunition Producers AFEMS, has prepared specific templates to fulfil the communication duties in force from now on. You can access to these templates at [www.afems.org](http://www.afems.org). Anyway, address any doubt to the AECAC Secretary.

Next stages will be the most possible identification of lead as a “**substance of relative high-priority**” **within the Candidate List** by the European Commission. After that a 5-6 years countdown will start, which might end in its **total ban or sever restrictions**.

## 8. Collaboration with FACE

AECAC is non-voting member of the FACE (European Hunting Federation).



Our Secretary General has been appointed as member of the **FACE Firearms Expert Group**. Our collaboration with FACE within the Firearms Expert Group has been is very constructive and extremely important taking into consideration the weight and influence of FACE in the EU.

### **9. ESSF (European Sport Shooting Forum)**

The ESSF is a “think tank” of the European hunting and shooting sector.

In gathering EU manufacturers of civilian firearms and ammunition, dealers, collectors, hunters and sport shooters, the European Sport Shooting Forum (ESSF) represents a substantial socio-economic sector (including many thousands of small and medium-sized enterprises) with the participation of over 12 million citizens. The ESSF thus represents virtually all EU stakeholders.

The ESSF allows all sectors at European level to coordinate themselves in different issues.

The ESSF has coordinated very efficiently the Common Position of all sectors concerning different legislative initiatives.

### **10. WORLD FORUM OF THE FUTURE OF SPORT SHOOTING ACTIVITIES (WFSA)**

AECAC is voting member of the WFSA and contributes yearly with **3.600 €**.

The WFSA is a highly efficient organization, recognized by the UN, and its actions are of great importance as many of the issues start globally.

For more information on the WFSA actions see [www.wfsa.net](http://www.wfsa.net)

Brussels, March 2019





## **Annex I. AECAC position paper on implementing act on firearms marking**

**European Commission**  
DG GROWTH

Brussels, 25 November 2018

**Subject: Consultation on Commission's proposal Implementing Directive establishing technical specifications for the marking of firearms and their essential components under Council Directive 91/477/EEC on control of the acquisition and possession of weapons**

Dear Sirs,

Reference is made to the consultation in the frame of the proposal of reference.

### **Background information**

#### **Respondent Information**

- Organisation name: **AECAC - European Association of the Civil Commerce of Weapons**
- Telephone number: 0034932054231
- E-mail address: v.fabregat@fabregat-perulles-sales.com
- Address: Rue Belliard 205 5, 1040 Brussels
- Name of contact person: Víctor FABREGAT (Secretary General)

### **Involvement with firearms marking**

AECAC is the European gun and ammunition trading and retailing federation. Our organisation is formed by all the national related associations. Currently the members of our federation are the following national trading associations:

- **Austria:** Verband Österreicher Büchsenmacher (Bundesinnung der Metalltechniker)
- **Belgium:** Wapenunie - Union Armes
- **Cyprus:** Cyprus Gundealers Association
- **Denmark:** Danske Vabenhandlerere
- **Finland:** Asekauppiaiden Liitto ry
- **France:** Chambre Syndicale Nationale des Armuriers
- **Germany:** VDB - Verband Deutscher Büchsenmacher und Waffenfachhändler
- **Greece:** Pan-Hellenic Association of Handcraft men & Professionals of Hunting Items
  - **Ireland:** Irish Gun Dealers and Shooters Association
  - **Italy:** ASSOARMIERI-Associazione Commercianti Armi-Munizioni Caccia Pesca Sport
- **Luxemburg.** Association Luxembourgeoise des Armuriers et Négociants d'Armes
- **The Netherlands:** Nederlandse Vereniging voor de Wapenhandel
- **Spain:** ACACE - Asociación de Comerciantes de Armería sus Complementos y Explosivos
- **Sweden:** Sveriges Vapenhandlareforening



Since its foundation, AECAC has actively participated in all the procedures of the European Union policies in which firearms and ammunition trading is involved.

AECAC is currently the main representative at a European level of the **gun and ammunition retailers**, in this capacity AECAC is being considered as a reputable stakeholder before all European Institutions.

### **AECAC position statement**

**Procedure.** The proposed text exceeds the powers granted by the Firearms Directive, by giving new or more extended interpretations. Wording of Recital 1 of the Draft (“firearms and their essential components, whether part of a firearm or placed separately on the market”), defers from the wording of Art. 4.1 of the Firearms Directive (“any such firearm, or any essential component”) and pretends to give binding nature to the Directive article.

**Proportionality.** AECAC is challenging the proportionality of requiring a “*unique marking*” on each essential part of a firearms. Firearms Directive only requires the “*unique marking*” only in one essential part and for the others essential parts requires a simplified system. Requiring the “*unique marking*” on all essential parts exceeds the mandate of the Directive and does not seem proportional at all.

**Technical question.** The minimum size of 1.6 mm for the marking, would be too big in some cases (f.i. marks on a revolver drum, below the ejector rod, as some manufacturers do). We propose to reduce the minimum size to **1 mm**.

**Convention for the reciprocal recognition of proof marks on small arms of 1 July 1969 (CIP).** Article 4 of the Firearms Directive, provides the possibility for Member States to apply the provisions of the Convention for the reciprocal recognition of proof marks on small arms of 1 July 1969 (CIP) (“*For the purposes of paragraph 1 and this paragraph, Member States may choose to apply the provisions of the Convention for the Reciprocal Recognition of Proof Marks on Small Arms of 1 July 1969*”). Such alternative should be mentioned in the Implementing act.

**Regulatory effectiveness.** Considering that still very few Member States have implemented the required system of electronic registers due to the practical difficulties to fulfil such a duty, it does not seem very realistic to require now the new requirements.

**Impact for Small and Medium Enterprises.** The implementing act shall introduce simplified procedures for SME. Fact is that many companies which deal in Europe with sport and hunting guns and ammunition are Small and Medium Enterprises. The proposed text would result in significant burdens for all EU firearm retailers and specially **handcraft men**. European SMEs, whom already operate in a challenging and highly competitive environment, would suffer more heavily the consequences of such legal frame.

Sincerely yours,

Víctor FABREGAT



## **Annex II. EXPORT REGULATION – AECAC SUGGESTED RESPONSES**

### **Study on the “improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition”**

#### **SURVEY ADDRESSED TO FIREARMS PRODUCERS**

*The purpose of the study is to explore policy solution to improve the implementation of article 10 of the United Nations Firearms Protocol – implemented at EU level by [Regulation \(EU\) 258/2012](#) – in relation to export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition, to ensure an effective tracing of such firearms in international transactions and to improve the exchange of information between national competent authorities.*

*The web-survey aims at collecting information in all EU28 MS on:*

- (i) security and market related issues linked to the implementation of the Regulation;*
- (ii) costs borne by the different categories of stakeholders (i.e. National Competent Authority, firearms producers/exporters/importers, firearms users) to implement rules and procedures set by the Regulation;*
- (iii) suggestions for possible policy solutions.*

*Questions marked with \* are compulsory*

#### **GENERAL QUESTIONS**

1. Your first name\*

2. Your last name\*

3. Your email address\*

4. Your organisation/institution\*

5. Country where the organisation/institution has its headquarters\*

6. Your title/function\*



7. You are replying as: \*

- a. *Producer*
- b. *Exporter*
- c. *National body representing firearms producers*
- d. *EU body representing firearms producers*
- e. *Other, please specify*

Free text

**SECTION 1: PROBLEMS AND ISSUES RELATED TO THE IMPLEMENTATION OF REGULATION 258**

**SUB-SECTION: Inconsistent and heterogeneous implementation of Regulation 258  
Inconsistency with the Firearms Directive**

8. In your opinion, to what extent the following are a source of security loopholes or concerns in extra-EU trade?\*

	1 - Very low extent	2 - Low extent	3 - Moderate extent	4 - High extent	5 - Very high extent	N/A
a. Weapons converted to firing blanks, irritants, other active substances or pyrotechnic rounds, or into salute or acoustic weapon are not subject to export, import and transit requirements applied to civilian firearms	X					
b. Automatic firearms converted into semi-automatic are not considered and treated as prohibited firearms and are still subject to civilian (rather than military) export regime	X					
c. Semi-automatic firearms with a fixed or detachable loading device are not considered and treated as prohibited firearms and are still subject to civilian (rather than military) export regime	X					
d. Semi-automatic long firearms whose length can be reduced to less than 60 cm without losing functionality are not considered and treated as prohibited firearms and are still subject to civilian (rather than military) export regime	X					
e. Deactivated firearms are not subject to export, import and transit requirements applied to civilian firearms	X					



### Inconsistency with the Common Position

9. For each of the following items, please indicate whether in your country they are subject to the **military export regime** (in accordance with **Common Position 2008/944/CFSP**) or to the **civilian export regime** (in accordance with Regulation 258/2012).\*

	a. Civilian export regime	b. Military export regime	c. The regime applied is defined on a case by case basis	d. Both civilian and military regimes are applied (i.e. there is a single procedure and two export licenses are issued)	e. I do not know
a. Semi-automatic or repeating short firearms (CN code: ex 9302 00 00)	X				
b. Single-shot short firearms with centre-fire percussion (CN code: ex 9302 00 00)	X				
c. Repeating long firearms (CN codes: ex 9303 20 10; ex 9303 20 95)	X				
d. Ammunition (CN codes: ex 3601 00 00; ex 3603 00 90; ex 9306 21 00; ex 9306 29 00; ex 9306 30 10; ex 9306 30 90; ex 9306 90 90)	X				

10. In case the regime to be applied to the items mentioned in the previous question is defined on a case by case basis, **can you please indicate on what grounds the export regime is defined?** (e.g. the identity of the exporters; objective technical criteria concerning the firearms/ammunition; lists annexed to relevant legislations; consignee or final recipient in the country of destination, etc.)

**The exclusive competence of the Union on the export of civilian firearms provided for in Regulation No 258/2012, prevents national legislations from being applied to the export of such firearms, and therefore also the CP 944/2008. The application of rules other than the mentioned Regulation to situations in the jurisdiction of the Regulation itself is an infringement of the Treaties, and is therefore illegitimate. The CP can only be applied when**



**the jurisdiction of the regulation is excluded, so, for example, when the firearms are specifically designed for armed forces or police forces (Article 3, paragraph 1, letter c).**

### Inconsistency with Customs Code

11. Consider the following terms used in Regulation 258/2012. In your opinion, to what extent they generate confusion with similar customs terms as per Union Customs Code? \*

	1 - Very low extent	2 - Low extent	3 - Moderate extent	4 - High extent	5 - Very high extent	N/A
a. Transit	X					
b. Simplified procedures	X					
c. Temporary export	X					
d. Import	X					

12. What are the consequences of this confusion, if any? \*

- a. Difficulties in applying customs legislation correctly
- f. Difficulties in applying Regulation 258 correctly
- g. I do not know
- h. Other, please specify

**NO CONSEQUENCES**

### Different national application and licensing rules and procedures

13. Have you ever faced any difficulties or obstacles related to the existence of (and the need to comply with) different rules and requirements for export authorisation across Member States? \*

- a. Yes
- b. **No**

14. In this regard, to what extent the following represent an issue for businesses? \*

	1 - Very low extent	2 - Low extent	3 - Moderate extent	4 - High extent	5 - Very high extent	N/A
a. Different application procedures (paper-based/electronic) across Member States	X					
b. Different application forms	X					



	1 - Very low extent	2 - Low extent	3 - Moderate extent	4 - High extent	5 - Very high extent	N/A
across Member States						
c. Different accompanying documentation required with the application across Member States	X					
d. Different application of the implied consent in case the third country of transit does not respond to the exporter's request for a written notice of not objection to the transit	X					
e. Different application of the single procedure for items falling under both the Regulation 258/2012 and the EU Common Military List under Common Position 2008/944/CFSP	X					
f. Different maximum time for deciding on the application	X					
g. Different types of export licenses issued (single/multiple/global) by different Member States	X					
h. Different period of validity of export licenses across Member States	X					

15. What are the issues that you consider more relevant and why? \*

*Free text*

**SUB-SECTION: Limited traceability of civilian firearms**  
**Different requirements for deactivated/blank-firing weapon with regard to export**

16. What export regime is currently applied to the extra-EU export of the following weapons in your country? \*

	a. The export regime applied to military firearms (based on Common Position 2008/944)	b. The export regime applied to civilian firearms (Regulation 258/2012)	c. These items are not considered as firearms, therefore do not fall into the scope of military or civilian firearms export regime	d. I do not know
a. Weapons		X	X	





	a. The export regime applied to military firearms (based on Common Position 2008/944)	b. The export regime applied to civilian firearms (Regulation 258/2012)	c. These items are not considered as firearms, therefore do not fall into the scope of military or civilian firearms export regime	d. I do not know
deactivated in accordance with the procedures of Implementing Regulation (EU) 2015/2403 or equivalent procedures				
b. Weapons deactivated before the entry into force of Implementing Regulation (EU) 2015/2403 or not in conformity with it		X		
b. Replicas		X		
c. Alarm and signal weapons		X		
d. Salute and acoustic weapons		X		
f. Antique weapons		X		

17. Can you please specify? (for each category of item, please elaborate on the following aspects: necessity of an export authorisation to carry out the export; necessity of an import authorisation by the third country to obtain the export license; necessity to inform the third country of transit; marking requirements of exported items; for deactivated weapons, requirement of a certification of deactivation; record-keeping requirements for exports) \*

**The options provided are incomplete. They in fact lack the possibility to indicate that firearms are subject to the national export license, not to either regulation 258 or the CP 258. Some specifications are necessary:**

**1. Deactivated weapons prior to the entry into force of regulation no. 2403/2015, which are deactivated according to the national legislation that guarantees the irreversibility of the transformation and provided with the relevant certificate, are not considered firearms and are therefore excluded from the authorization, also for export. Deactivated weapons without a certificate are considered common guns, even for export.**



**2. Alarm and signal weapons and salute and acoustic weapons, which according to the national legislation are impossible to transform into a firearm for their construction and materials, are not subject to authorization even for export. Those that do not comply with the envisaged requirements are considered common weapons even for export, and fall within the scope of Regulation no. 258/2012. Weapons are examined one by one by the National Proof House (CIP Proof House) and specifically punched.**

**3. Ancient weapons and their replicas, explicitly excluded from the scope of Regulation No 258/2012, are authorized according to national legislation as civilian firearms. They are also excluded from the CP 944/2008, as explicitly provided in the Common List of military equipment.**

### **Different approaches on the confirmation of receipt from third countries**

18. Are you aware of any case of diversion of authorised shipments of civilian firearms, parts and ammunition that has taken place in third countries (during transit or at destination)? If so, please provide details (if possible, specify the type and number of items concerned, the type of exporter concerned (manufacturer, dealer, private individual), the year, and the countries involved).

**NO**

### **Different practices in the marking at import**

19. In your opinion, to what extent the absence of a marking allowing the identification of the first country of import represents a problem for the tracing of imported firearms? \*
- a. *Very low extent X***
  - i. Low extent*
  - j. Moderate extent*
  - k. High extent*
  - l. Very high extent*
  - m. I do not know*
20. Can you please specify?

**The first country of import marking is currently required in all Member States. Notwithstanding it does not provide relevant advantages for traceability purposes and might even cause burden and difficulties both to traders and public officers.**

21. Are you aware of any case in which the lack of a marking allowing the identification of the EU country of import has prevented the traceability of a firearm diverted from the legal market/used to commit a crime? \*



**No**

### Application of "standard" tracing requirements to intra-EU movements

22. Are you aware of any case of shipments of firearms destined to third countries that have been stolen while transiting through the territory of Member States? Please indicate the countries involved, the type of items concerned, and the year. \*

**No**

### ***SUB-SECTION: Obstacles to international trade and movements of civilian firearms*** **Different approaches to the implied consent**

23. Is the principle of implied consent of the third country of transit applied systematically or on a case by case basis? \*
- a. *Systematically*
  - b. *On a case by case basis***
  - c. *The implied consent is not applied*

24. If implied consent is applied on a case by case basis, why is it so?

### **Difficulties in identifying the relevant authority in the third country of transit**

25. Do you face difficulties in identifying the competent authority in the third country of transit to which the request of no objection to the transit should be addressed?
- a. *Yes*
  - b. *No***

26. If you face difficulties, can you please describe them, included if there are third countries of transit that are particularly problematic in this regard?

27. Do you face any other difficulty or problem concerning the transit through a third country of transit? Please specify.

### **Different interpretation of simplified procedures**

28. To what extent the procedures currently foreseen in your country allow easily exporting/re-exporting firearms to third countries for each of the following verifiable lawful purposes? \*



	1 - Very low extent	2 - Low extent	3 - Moderate extent	4 - High extent	5 - Very high extent	N/A
a. Hunting			X			
b. Sport-shooting			X			
c. Demonstrations			X			
d. Exhibitions (without sale)			X			
e. Evaluations			X			
f. Repairs			X			
g. Temporary storage			X			

### Existence of national good practices

29. Can you please share any national good practices adopted in your country to address any of the problems mentioned above? (i.e. heterogeneous implementation of Regulation 258; limited traceability of firearms; obstacles to international trade; sub-optimal exchange of information)

*Free text*

### Additional issues

30. Based on your experience, besides the issues mentioned above, is there any other issue or weakness in the EU system of exports, imports and transit of civilian firearms, parts and ammunition you would like to highlight?

**It would be useful to generally implement the information exchange system provided for by art. 19 of Regulation no. 258/2012.**

## SECTION 2: COSTS RELATED TO THE IMPLEMENTATION OF THE REGULATION

### Export authorisation

31. For each of the following year, could you please indicate the number of applications for export authorisations of firearms, parts, essential components and ammunition to third countries you submitted? \*

Year	Number of authorisations submitted to third countries
2013	
2014	
2015	
2016	
2017	
2018	

32. Can you specify the amount of fee required to apply for an export authorisation, if any (EUR)?\*



Free text

33. How many shipments of firearms did you send out to third countries each year? \* (Please consider exclusively civilian firearms, parts and ammunition – i.e. those in Category B, C and D of the Firearms Directive) \*

Year	Number of authorisations submitted to third countries
2013	
2014	
2015	
2016	
2017	
2018	

34. During the period considered (2013-2018) out of the total shipments sent, what has been on average the percentage of: \*

	a. between 75% and 100% (Always)	b. between 75% and 50% (Often)	c. between 25% and 50% (Sometimes)	d. below 25% (Rarely)	0% (Never)
a. Shipments of firearms sent by sea					
b. Shipments of firearms sent by air					
c. Shipments of firearms sent by land					

35. How many hours of a full time equivalent per application do you usually need to complete each of the following steps? \*

	0-1	2-3	4-5	6-10	>10	I do not know	N/A
a. Request of the import licence from the importing third country							
b. Follow-up to obtain the import licence from the importing third country							
c. Notification of transit to the third country of transit and request for a written "no objection" - if applicable							
d. Follow-up to obtain the written "no objection" to the transit - if applicable							
e. Filling out the export authorisation model with the necessary information							
f. Preparing the accompanying documentation (e.g. extract of the							



	0-1	2-3	4-5	6-10	>10	I do not know	N/A
criminal record, translation of the import license, etc.)							
g. Submitting the application to the competent licensing authority							

36. Please specify any step missing from the process described above, indicating the share of time you typically dedicate to it compared to the other steps

*Free text*

37. How many working days elapse on average from the day of submission of the application to the day the export authorisation is granted? \*

*Free text*

38. Since the date of application of the Regulation 258/2012 (September 2013), have you ever experienced lost business opportunities due to delays in the process of obtaining export authorisations? \*

- a. Yes
- b. No

39. In case you experienced lost business opportunities, could you please explain how and why this happened?

*Free text*

40. In case you experienced lost business opportunities, would you be able to quantify the amount of unearned profits due to such lost opportunities (EUR)?

*Free text*

41. To what extent the length of time currently required to obtain an export authorisation is in line with business needs? \*

- a. Very low extent
- b. Low extent
- c. **Moderate extent X**
- d. High extent
- e. Very high extent
- f. I do not know



42. Can you please explain your answer to the previous question?

Free text

### Transit

43. How many hours (per application) do you spend on average to identify the competent authority in the third country of transit to request a written notice of no objection to the transit? \*

- a. From 0 to 1 hours
- g. From 2 to 3 hours
- h. From 4 to 5 hours
- i. From 6 to 10 hours
- j. More than 10 hours
- k. I do not know

44. Could you please explain the main difficulties you face in this regard, if any? (e.g. identifying the relevant office, retrieving contact details, lack of formalised procedures, etc.)

Free text

45. How much do difficulties in identifying the competent authority in the third country of transit increase the length of time necessary to obtain an export authorisation? \*

- a. Between 1-2 working days
- b. Between 3-4 working days
- c. Between 5-6 working days
- d. Between 7-10 working days
- e. More than 10 working days
- f. I do not know
- g. It does not increase the length of time remarkably

46. On average, what is the percentage of cases in which the 'implied consent' (meaning that no objections to the transit are being received within 20 working days from the day of the written request from the third country of transit) is applied? \*

- a. 100% of cases (Always)
- b. 75% of cases (Often)
- c. 50% of cases (Sometimes)
- d. 25% of cases (Rarely)
- e. 0% of cases (Never applied)
- f. I do not know

### Customs





47. On average, once the request has been formulated, how long does it take to obtain a written notice of no objection to the transit from a third country of transit? \*
- a. *Between 1-5 working days*
  - b. *Between 6-10 working days*
  - c. *Between 11-15 working days*
  - d. *Between 16-20 working days*
  - e. *More than 20 working days*
  - f. *I do not know*
48. In your experience, has the entry into force of Regulation 258/2012 increased the costs to comply with customs formalities? \*
- a. *No*
  - b. *To a low extent*
  - c. ***To a moderate extent X***
  - d. *To a high extent*
  - e. *I do not know*
49. Would you be able to quantify, for a single shipment, the average cost related to translations of any documents furnished as proof into the official language of the Member State where the export declaration is presented (EUR)? \*

Free text

50. Compared to the overall cost for a single shipment, do you regard the costs for translating documents to be furnished as proof? \*
- a. *Not significant*
  - b. ***Moderately significant X***
  - c. *Significant*
  - d. *Very significant*
  - e. *I do not know*

## Import

51. What is for you on average the share of turnover generated by imported firearms out of the total annual turnover generated by your company? \*
- a. *0-5%*
  - b. *6-10%*
  - c. *10-20%*
  - d. *20-30%*
  - e. *40-50%*
  - f. *More than 50%*
  - g. *I do not know*



52. What is for you the cost in terms of share of annual turnover for affixing the marking allowing the identification of the first EU country on imported firearms? \*
- 0-0.5%
  - 0.6-1%
  - 1-2%
  - 2-3%
  - 4-5%
  - More than 5%
  - I do not know
  - I do not affix such marking

### Scope, content, and definitions / Export authorisation

53. In case the possibility to adopt a single export authorisation procedure for both civilian and military items is removed, what problems and costs would you face as a consequence? \*

	Answer
Problems	
Costs	

### SECTION 3: SUGGESTIONS FOR IMPROVEMENT

#### Harmonisation

54. What measures would you suggest to further harmonise export authorisation, import and transit measures across the EU?

**The export authorization should guarantee the possibility of transiting with the authorized items throughout the EU, for the purpose of exporting them. It would be necessary preventing MSs from objecting to transit, when the authorization has been issued. The process of verification of transit conditions should concern the authorities of the MSs involved, and not the operator, who should be allowed to make use of the authorization, once obtained.**

56. In your opinion, solutions required to improve harmonisation should preferably take the form of: \*
- Soft law recommendations** (e.g. guidelines, codes of conducts, etc. without any legally binding force)
  - Legislative clarifications (e.g. amendments aimed at clarifying the existent legislative framework)
  - New legislative obligations (e.g. introduction of measures creating new obligations having legally binding force)
  - I do not know

#### Traceability



57. What measures would you suggest to improve the traceability of civilian firearms exports to/import from third countries?

**It is necessary to implement the system of coordination and exchange of information pursuant to art. 19 of the regulation, and speed up the implementation of the information system provided by art. 4 par. 4 of Directive 91/477/EEC, as amended by Directive 2017/853. No modification of Regulation n. 258/2012 is required.**

58. In your opinion, solutions required to improve traceability should preferably take the form of:  
\*

- a. ***Soft law recommendations X***
- b. *Legislative clarifications*
- c. *New legislative obligations*
- d. *I do not know*

### Information exchange

59. What measures would you suggest to improve information sharing and administrative cooperation among Member States?

**It is necessary to implement the system of coordination and exchange of information pursuant to art. 19 of the regulation, and speed up the implementation of the information system provided by art. 4 par. 4 of Directive 91/477/EEC, as amended by Directive 2017/853. No modification of Regulation n. 258/2012 is needed.**

60. In your opinion, solutions required to improve information exchange should preferably take the form of: \*

- a. ***Soft law recommendations X***
- b. *Legislative clarifications*
- c. *New legislative obligations*
- d. *I do not know*

### Trade

61. What measures would you suggest to improve the competitiveness of EU businesses vis-à-vis businesses in third countries?

**Implementing the system of coordination and exchange of information pursuant to art. 19 of the regulation.**

62. In your opinion, solutions required to improve trade should preferably take the form of:

- a. ***Soft law recommendations X***



- b. *Legislative clarifications*
- c. *New legislative obligations*
- d. *I do not know*

### Temporary movements of firearms

63. What measures would you suggest to facilitate the temporary movement of firearms for verifiable lawful purposes?

**NONE**

64. In your opinion, solutions required to improve temporary movements of firearms should preferably take the form of: \*

- a. ***Soft law recommendations X***
- b. *Legislative clarifications*
- c. *New legislative obligations*
- d. *I do not know*

### General

65. Would you like to be involved in future phases of this study (e.g. interviews for the assessment of the impacts of future policy options)?

- a. ***Yes X***
- b. *No*



## **Annex III. ACAC position paper on LEAD**

**European Chemicals Agency (ECHA)**  
**Annankatu 18,**  
**P.O. Box 400,**  
**FI-00121 Helsinki,**  
**FINLAND**

Brussels, 23<sup>rd</sup> of April 2018

**Subject: Consultation on KEML proposal on Candidate Listing of lead (Pb) metal as a Substance of Very High Concern**

**References: EC Number: 231-100-4 / CAS Number: 7439-92-1**

Dear Sirs,

Reference is made to the consultation in the frame of the proposal to include lead in the SVHC Candidate List.

### **Background information**

#### **1.1. Respondent Background**

- Organisation name: **AECAC - European Association of the Civil Commerce of Weapons**
- Telephone number: 0034932054231
- E-mail address: v.fabregat@fabregat-perulles-sales.com
- Address: Rue Belliard 205 5, 1040 Brussels
- Name of contact person: Víctor FABREGAT

#### **1.2. Involvement with lead ammunition**

AECAC is the European gun and ammunition trading and retailing federation. Our organisation is formed by all the national related associations. Currently the members of our federation are the following national trading associations:

- **Austria:** Verband Österreicher Büchsenmacher (Bundesinnung der Metalltechniker)
- **Belgium:** Wapenunie - Union Armes
- **Cyprus:** Cyprus Gundealers Association
- **Denmark:** Danske Vabenhandlerere
- **Finland:** Asekauppiaiden Liitto ry
- **France:** Chambre Syndicale Nationale des Armuriers
- **Germany:** VDB - Verband Deutscher Büchsenmacher und Waffenfachhändler
- **Greece:** Pan-Hellenic Association of Handcraft men & Professionals of Hunting Items
- **Ireland:** Irish Gun Dealers and Shooters Association
- **Italy:** ASSOARMIERI-Associazione Commercianti Armi-Munizioni Caccia Pesca Sport
- **Luxemburg:** Association Luxembourgeoise des Armuriers et Négociants d'Armes
- **The Netherlands:** Nederlandse Vereniging voor de Wapenhandel
- **Spain:** ACACE - Asociación de Comerciantes de Armería sus Complementos y Explosivos
- **Sweden:** Sveriges Vapenhandlareforening

Since its foundation, AECAC has actively participated in all the procedures of the European Union policies in which firearms and ammunition trading is involved.



AECAC is currently the main representative at a European level of the gun and ammunition retailers, in this capacity AECAC is being considered as a reputable stakeholder before all European Institutions.

Our principle target is to lower barriers that exist in the sector to small and medium-sized enterprises who are involved in gun, ammunition and hunting trading. By supporting the free market we aim to enhance the efficiency and competitiveness of the European companies.

### **1.3. The gun and ammunition retailers sector in Europe**

It is important to understand the gun and ammunition trade in Europe to evaluate the potential socio-economic impacts of any legislative change concerning lead use in ammunition.

Gun and ammunition retail market is a very important sector in many European countries. There are more than **15.000 small and medium companies dedicated to the retail and distribution of firearms and ammunition** in Europe. These are the number of companies in the retail sector in some EU member states:

- Finland 600 dealers
- Hungary 500 dealers
- Poland 500 dealers
- Austria 700 dealers
- France 1.000 dealers
- Germany 1.500 dealers
- Italy 1.200 dealers
- Spain 700 dealers
- Sweden 700 dealers
- Belgium 250 dealers
- Greece 700 dealers
- Luxemburg 30 dealers
- Cyprus 20 dealers
- Denmark 80 dealers
- Ireland 300 dealers
- The Netherlands 200 dealers

European Gun retailers and distributors create more than **150.000 employments** in Europe, and represent an important part of the of the EU turnover.

To understand the importance of the sector it is also worth mentioning some of the figures of civilian users. Europe has more than **10 million** shooters and hunters. The largest number of hunters and sport marksmen are found in France with more than 1.600.000 hunters and marksmen, Spain with around 1.000.000 users and Italy with around 1.000.000 users.

It is notable the high number of users compared to its small population in some northern countries. Sweden has more than 550.000 users, mainly hunters. Finland has more than 335.000 hunters and marksmen. Denmark accounts 289.000 civilian users.

Currently the ammunition trading represents around 25 % of the firearms and ammunition retailers business in Europe.

### **AECAC position statement**

#### **I. Current legislation on lead is already very restrictive**

Lead exposure is already highly regulated in the EU through substance-specific legislation covering all lifecycle stages including manufacture, use, and end-of-life/waste.



## II. Socio-economic impact/risks

**Increase of the ammunition cost.** The main effect of the ban to use lead ammunition would be the dramatic increase of the cost of the ammunition for end users. Such increase has an important impact on the sport shooting economy.

Some figures to show the impact:

The average market price of lead shot cartridges is **0,35 €/unit** without VAT.

Average market (final user) prices of cartridges of alternative materials, VAT excluded are the following:

- **Zinc 1,60 €/unit**
- **Steel - Iron 0,68 €/unit**
- **Tungsten 3,10 €/unit**
- **Bismuth 2,15 €/unit**

### Associated cost for customers

On average, non-lead shot gun ammunition for hunters cost normally 4 times as much as lead shot ammunition. Considering an average hunter with a cartridge consumption of 200 cartridges a year, its increase of cost would be of around **250 € more per year**.

Gun testing cost approximately 100 €/ per gun. Considering an average hunter owning 3 shotguns: **300 €**.

Installation of new chokes (approximately 50 € per gun): **150 €**.

Purchasing of new guns (2 new shotguns per hunter): **2.500 €**.

Some shooters with very high cartridge consumption may face increased barrel wear due to steel shot forcing frequent replacement of weapons.

It should be noted that the average hunter has a limited budget and usually allocates a certain amount of money to his/her firearms and ammunition. A substantial increase in the prices related to these products results in a reduction in the quantities that are acquired and in some cases even the giving up of hunting.

All these numbers should be related to the number of users in Europe: more than **10 million**.

## III. Alternatives

**Ballistic performance.** Major technical problem on all the alternatives to lead is the ballistic performance. None of the existing materials ensure a perfect ballistic performance on game as lead does.

The ballistic properties of steel and iron shot differ completely from lead shot.

Other alternatives as bismuth, tungsten and tin are available that do not suffer from the technical drawbacks of steel, its ballistic performance is better, but not equal to lead. However, these alternatives are much more expensive than the lead.

**Suitability in gun types.** Steel and iron ammunition cannot be used in all gun types. Only modern shotguns can be used with such materials. They cause accidents in case people keep on using traditional guns.





**Hunting or shooting technique.** Alternatives are less effective than lead. The ballistic effect on game of all the alternatives is much worse than using lead. Especially iron, steel and zinc are less lethal and cause wounds.

**Severe safety risks.** Iron steel and zinc ammunition should not be used in rocky and similar terrains due to the high risk to ricochet.

**Impact on forestry.** Steel and iron projectiles are often not allowed in forest from which trunks are sold for furniture and veneer making as the industrial cutting tools may be damaged.

#### **IV. Lead management**

Lead impact in hunting activities is so small that a general ban would be completely disproportionate. We shall focus on the question of shooting ranges.

First is important to stress that lead is a completely **recyclable material**, and this is not the case of most of its alternatives. In fact there is a waste experience in lead recovery from all sort of shooting ranges.

Lead in shots is currently managed in an environmentally protective manner in most European countries. Such management is necessary for environmental reasons but may also be economically beneficial to the range owner/operator, as lead is finite natural resource.

All or most new shooting ranges in Europe are implementing a lead recovery program that eliminates or greatly reduces the lead pollution impact. Through management and removal practices, lead shall no longer represent an issue.

#### **V. Impact for European Small and Medium Enterprises**

Fact is that many companies which deal in Europe with sport and hunting guns and ammunition are Small and Medium Enterprises. For these the Candidate Listing would have a strong negative impact on their economies.

Candidate Listing of lead metal would result in significant bureaucratic obligations for all EU ammunition suppliers and distributors.

European SMEs, whom already operate in a challenging and highly competitive environment, would suffer more heavily the consequences of such an inclusion.

The so-called “**Small Business Act**” (**SBA**) recognises the central role of SMEs in the EU economy and puts into place a comprehensive policy framework for the EU and its Member States concerning Small Companies.

The SBA aims to promote entrepreneurship, make legislation SME-friendly and help SMEs to grow. Furthermore, all new legislative and administrative proposals will be subjected to an “**SME test**” in order to assess their impact on SMEs. For example policy results should always be delivered while **minimising cost for business, lighter procedures can be foreseen to protect small and micro-enterprises** from unavoidable negative effects of new law.

Our general opinion is that disproportionate restrictions would affect negatively the competitiveness of European companies.



At the same time, many European countries (mainly eastern and southern countries) have a large quantity of old shotguns, which are completely unsuitable for non-lead, or its safety cannot be guaranteed, nor ensured by the specialised insurance companies (ensuring shooting activities).

All the above mentioned is especially dramatic considering that imported ammunition might not be addressed by Annex XIV Listing, which will only impacts EU producers, increasing even more the competitive disadvantages of European SMEs.

### **By way of conclusion**

**AECAC** is challenging the **proportionality** and the **regulatory effectiveness** of the inclusion of lead metal into REACH Candidate and Authorization List.

Lead is already highly regulated in Europe. Further restrictions on the use of lead in ammunition seem completely disproportionate.

The ammunition production sector is developing several projects and innovations to find a possible alternative to lead ammunition. AECAC fully supports all actions in this line. Notwithstanding although some alternatives can be developed in the near future, today it does not exist any safe and economic alternative to lead which can be produced at industrial level.

Our general opinion is that in the current situation any further restriction on lead use in ammunition would be disproportionate, unnecessary and it would affect negatively the competitiveness of European companies.

The effects of any further restriction should be compared to the economic and social impact that such a measure could cause.

Sincerely yours,

Víctor FABREGAT



**LEAD METAL**  
**Possible inclusion in REACH Candidate List**  
**Position Paper of the European Shooting Sports Forum**

### **Background**

Emerging from the harmonized CLP Classification as Toxic for Reproduction Category 1A, the Swedish Chemicals Agency asked for additional regulations in the EU for lead metal. More precisely, the Swedish request is to include lead metal in the REACH Candidate List of Substances of Very High Concern (SVHC).

Substances included in the Candidate List are “candidate” to be progressively replaced by less dangerous substances, assuming that technically and economically feasible alternatives are available.

Once in Candidate List, lead metal becomes eligible to enter the REACH Authorisation process, which could state that manufacturers, importers and downstream users shall cease to place the substance on the EU market nor use it, unless the specific use is authorized or has been exempted.

### **Lead metal in all its uses**

The Swedish request refers to the substance lead metal in all its uses.

The SVHC identification is based on the intrinsic hazard properties of the substance, therefore cannot be challenged. On the other side the **proportionality** and the **regulatory effectiveness** of inclusion of lead metal into Candidate and Authorisation Lists is questionable on the following basis:

- Lead exposure is already highly regulated in the EU through both substance and use specific legislation covering all lifecycle stages of products including manufacture, use and end-of-life/waste. EU-wide legislation restricting the use of lead shot over wetlands is currently under development within ECHA in addition to existing legal frameworks;
- Candidate listing, which could lead to Authorisation listing would have significant impacts on small and medium-sized enterprises (SMEs) in Europe, many of whom already operate in a challenging and highly competitive environment;
- Importation of lead-containing articles will not be addressed by REACH Authorisation, which would only impact EU producers.

**The assessment of the European industry producing and using lead metal, represented by the Lead REACH Consortium, is that any residual risk related to current use is better managed through targeted REACH restrictions, in combination with updating the existing workplace occupational and biological legal exposure limits.**

### **Lead metal in ammunition**

The quantity of lead metal used in ammunition of all types and for all uses is less than 4% of the total EU yearly consumption of the substance.

Lead metal is since time, and still today, the basic substance for producing projectiles and shots, because the unique parameters of this substance, specifically density, malleability and hardness, can guarantee a perfect combination of effectiveness and safety

The ammunition community is committed to guarantee a sustainable future, enabling hunters and shooters to continue their activities safeguarding environment and human health in compliance with the existing legislation. In this context, many of the risks associated with lead ammunition are already mitigated through existing legislation such as regulating lead shot over wetlands and by following basic risk management advice.



For example, producers are already proposing a range of products which includes non-lead ammunition, designed and manufactured specifically for utilization where required, and the conditions and performance of use allow it.

In line with the position of the other European industry sectors, the ESSF is challenging the **proportionality** and the **regulatory effectiveness** of the inclusion of lead metal into REACH Candidate and Authorisation List.

The inclusion would bring serious damages to a socio-economic sector that in EU counts, for its civil component, many thousands of small and medium-sized enterprises employing more than 600,000 workers. The annual funds expended on hunting and sport shooting activities are estimated between 18 and 20 billion Euro, a value that doubles when the related induced activities are considered. There are over 10 million European citizens responsibly using civilian ammunition although this figure could be higher taking into account those involved in target shooting in addition to Europe's 7 million hunters. It should also be pointed out that there is a lack of tested and economically feasible alternatives for many sports shooting disciplines, in particular, those that use .22 rimfire and short firearms.

**The assessment of ESSF is that the enforcement of the existing legislation, together with the proper management of all phases of hunting and sport shooting practices, can guarantee an appropriate management of the risk linked to the use of lead metal in ammunition.**

#### ***About the European Shooting Sport Forum.***

*The European Shooting Sport Forum is an informal platform where representatives of international bodies active at European level in the fields of sport shooting, hunting, collectors, trade and industry maintain an open dialog on topics of common interest, particularly the environmental, legal, political and socio-economic aspects of such activities.*

*The present Position Paper is fully endorsed by all the Association belonging to ESSF, namely:*

- \* Association of European Manufacturers of Sporting Firearms (ESFAM)*
- \* Association of European Sporting Ammunition Manufacturers (AFEMS)*
- \* European Association of the Civil Commerce of Firearms (AECAC)*
- \* European Shooting Sports Council (ESSC) that represents, inter alia, the European Shooting Confederation (ESC) and the Federation Internationale de Tir aux Armes Sportives et de Chasse (F.I.T.A.S.C.)*
- \* Federation of Associations for Hunting and Conservation of the EU (FACE)*
- \* Foundation for European Societies of Arms Collectors (FESAC)*
- \* Institut Européen des Armes de Chasse et de Sport (IEACS)*
- \* International Practical Shooting Confederation (IPSC) - observer*
- \* International Shooting Sport Federation (ISSF) – observer*