



***Report about the AECAC  
activity in 2017***

**March 2018**



## **AECAC activities in 2017**

1. The last AECAC **GENERAL ASSEMBLY** was held in Nuremberg on **March 2017**.

### **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**

- MS have shall bring into force the laws necessary to comply with the general rules of the Directive by **14 September 2018**.
- 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 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.

### **First issued 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 and 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.

### **ESSF helpdesk website on Directive**

It is important to monitor the situation and ask members of each association to report problems and circulate information and highlight those States which need more help. In this regard it was agreed that ESSF secretariat looks into the possibility to set up a website for collecting reports on such problems.

In the last months the ESSF secretariat worked with its legal office to draft of a two-columns text including the Directive 2017/853 and what it is established to improve at national level with the aim to highlight the



most significant changes, the main critical issues that still persist, and help in the implementation of the text at national level.

#### 4. ACT ON FIREARMS MARKING

Article 4.2 (a) of the amended Firearms Directive (EU 2017/853) tasks the Commission to adopt (by **September 2018**) an Implementing Act laying down technical specifications for firearms marking. Very possibly such act will be an **EU Regulation**.

AECAC participated in a meeting dedicated to the marking of firearms on 15 January 2018 in Brussels, in the DG GROW premises. The main aim of this meeting was to hold a discussion between industrial stakeholders and the European Commission to share views on the technical aspects of marking.

**Article 4** of the Directive provides the following:

**“1.** *With respect to firearms manufactured or imported into the Union on or **after 14 September 2018**, Member States shall ensure that any such firearm, or any essential component, placed on the market has been:*

*(a) provided with a clear, permanent and unique marking without delay after manufacture and at the latest before its placement on the market, or without delay after importation into the Union; and*

*(b) registered in compliance with this Directive without delay after manufacture and at the latest before its placement on the market, or without delay after importation into the Union.*

**2.** *The unique marking referred to in point (a) of paragraph 1 shall include the name of the manufacturer or brand, the country or place of manufacture, the serial number and the year of manufacture, if not already part of the serial number, and the model where feasible. This shall be without prejudice to the affixing of the manufacturer's trademark. Where an essential component is too small to be marked in compliance with this Article, it shall be marked at least with a serial number or an alphanumeric or digital code.*

*The marking requirements for firearms or essential components that are of particular historical importance shall be determined in accordance with national law.*

*Member States shall ensure that each elementary package of complete ammunition is marked in such a way as to indicate the name of the manufacturer, the identification batch (lot) number, the calibre and the type of ammunition.*

*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 (CIP).*

*Furthermore, Member States shall ensure, at the time of transfer of a firearm or its essential components from government stocks to permanent civilian use, the unique marking, as provided for under paragraph 1, permitting identification of the transferring entity.”*

Those were the topics addressed during the meeting, which the Commissions representatives seemed to consider in a positive way:

- Marks on a firearm do not have to be necessarily visible when a firearm is assembled. They could be hidden till dismounting.
- Technical requirements shall not only consider that pieces might be too small for marking, but also that marking could have other technical or safety limitations.
- Minimum depth for marks might be 0,02 mm.



- Commission might publish a list of numbers for each country to include in serial number
- For firearms including parts with polymers, marking to be attached in a metallic plate to be embedded in the polymer material.
- Possibility to include trademarks instead of company names
- Possibility to include simplified procedures for artisans and small companies.

Implementation act (probably Regulation) will probably be published in May and will give a proper period (probably one year) to adapt to the new rules.

## 5. REVISION OF REGULATION ON FIREARMS DEACTIVATION

On the 18th of November 2015 the Commission adopted the text implementing the Regulation establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable. It entered into force on the 8th of April 2016.

The regulation provided very strict deactivation technical measures to be seen in annex I of the Regulation.

Here follow some important provisions:

- The Regulation shall not apply to firearms deactivated prior to the date of its application, unless those firearms are transferred to another Member State or placed on the market.
- Deactivation of firearms shall be carried out by public or private entities or by individuals authorized to do so in accordance with national legislation.
- Member States shall designate a Competent Authority to verify that the deactivation of the firearm has been carried out in accordance with the technical specifications set out in the Regulation.
- The verifying entity shall issue to the owner of the firearm a deactivation certificate.
- The owner of a deactivated firearm shall retain the deactivation certificate at all times. If the deactivated firearm is placed on the market, it shall be accompanied by the deactivation certificate.
- Certificates shall be registered for at least 20 years.
- Deactivated firearms shall be marked with a common marking for all MS.
- Member States have the possibility to introduce measures additional to the technical specifications set out in the Regulation
- Deactivated firearms may only be transferred to another Member State provided they bear the common unique marking and are accompanied by a deactivation certificate in accordance with this Regulation

Now the Commission shall **review such Regulation** in order that it reflects and is consistent with the new rules on deactivation introduced by Directive (EU) 2017/853.

In this sense new technical guidelines will be approved mainly focusing on the **deactivation of essential components**, as the Firearms Directive includes the need to ensure that all essential components of the firearm in question have been rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way.

The technical specifications for the deactivation of firearms should also apply to the **deactivation of exchange barrels** which, being separate objects, are technically linked with and intended to be mounted on the firearm to be deactivated.

A new presentation of the deactivation specifications will be implemented, for the sake of clarity, presented in a way that distinguishes between the **different types of firearms**.



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

In 2017 (and every 10 years) in accordance with Article 21(3) of **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**.

To prepare such, AECAC was invited to participate in several interviews and surveys. Our main position was that the Regulation had an **acceptable level of implementation** and that no further legislative actions were required.

These are the conclusions of the **Commission's report** dated 12.12.2017:

- The rationale of the Regulation remains unchanged. The unstable international political environment in several regions of the world and the strengthening of the European Union's internal rules continue to justify its existence in order to adequately control civilian firearms as they enter and leave the European Union. Although most of the weapons diverted are military, a robust framework for civilian firearms remains vital because of grey areas and to prevent the use of more flexible procedures in a related field promoting diversions of arms.
- However, the Commission's findings on the implementation of Regulation (EU) No 258/2012 are mixed. Although it has broadly achieved its assigned goals, the Regulation is nevertheless also the victim of both its **imprecision and its complex articulations with other EU law instruments**.
- The Commission intends to fully assume its responsibilities in order to assist the Member States and guarantee the Regulation's full implementation, including, where appropriate, through formal exchanges should the evaluation reveal practices that are in breach of the Regulation.
- Under its powers to adopt delegated acts, the Commission may intervene in order to update Annex 1 to the Regulation and adapt the correlation table of categories of firearms and Combined Nomenclature codes in order to take account of the revision of Directive 91/477/EEC (without affecting either the Regulation's scope or its definitions).
- On the other hand, the externalised evaluation study has usefully recommended a **number of non-legislative actions** to improve exchanges of best practices, develop guidelines for the Regulation's implementation and make better use of the Firearms Exports Coordination Group.
- In terms of **information exchanges**, improvements to the COARM system for exchanges relating to Regulation (EU) No 258/2012 and the principle of direct access for competent authorities are promising avenues. The arrangements for the involvement of customs authorities remain open, whether for external transit within the European Union, or between the customs clearance office and the office of exit, or between the office of entry and the office of clearance.
- More generally, beyond any clarifications that might be made to improve the Regulation's application, certain **difficulties call for possible revision**, in line with the principles of better regulation. Subject to the Commission's final decisions, where necessary following an appropriate impact assessment, it is already possible to outline possible points of discussion.
- The evaluation shows that certain **definitions in the Regulation should be made more consistent** with other pieces of legislation ('parts' and 'essential components', 'temporary export', 'deactivated firearms', etc.).
- The provisions on **simplified procedures could be made clearer**. If the guidelines are found to be insufficient, possible options might notably include encouraging the use of global authorisations or a tie-in with the status of 'authorised economic operator for security and safety'.
- In order to ensure reliable risk analysis, the methods used to process applications for export licences could be aligned, in particular through the systematic consultation of criminal records in the Member States (and not simply in the country in which the previous application was made).
- In order to facilitate administrative procedures, in line with the rules of Directive 91/477/EEC on firearms, **the Commission and the Member States should consider a computerised system for submitting applications**. This would also facilitate information exchanges on



refusals, allow interoperability between the various systems, and ensure reliable statistical collections. Such an interoperable system for the computerised management of applications could also make it less useful to provide translations of documents already required by a competent authority in another Member State.

- The matter of **generally applying the principle of tacit agreement of third countries of transit** (or some of them) could also be raised insofar as it enabled shorter procedures for exporters.
- Finally, as regards imports, the Regulation's provisions could usefully be clarified so that, in accordance with the Firearms Protocol, weapons imported are systematically marked along harmonised lines to enable **identification of the first country of import**.

## 7. THE LEAD ISSUE

The lead issue will be from now on the main battle front from the sector.

### 7.1. Most possible general ban of use of lead shot in wetlands

**ECHA (the European Chemicals Agency)** was required by the Commission to prepare a dossier proposing restrictions (or total ban) on the use of **lead shot in wetlands** "in order to properly control the risk to the environment and human health in the Union".

Such restrictions shall be proposed through a dossier in accordance with Annex XV of the REACH Regulation (EC) No 1907/2006, concerning the Registration, Evaluation, Authorization and Restriction of chemicals (<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02006R1907-20171010&rid=1>), which is designed to identify substances of very high concern (SVHC). Such procedures aim to ensure that the risks from SVHCs are properly controlled and that these substances are progressively replaced by suitable alternatives where these are economically and technically viable, whilst at the same time ensuring the good functioning of the EU internal market.

ECHA's initial report dated April 2017 pointed the following **CONCLUSIONS**:

- 1.** The **number of birds dying** annually in the EU as a result of lead shot ingestion has been estimated to be at least 400 000 to 1 500 000 birds, depending on the assumptions maintained on wintering population size, breeding population size and underlying mortality rates.
- 2.** Except in four Member States which have a complete ban on lead shot, current legislative approaches in Member States have up until now focused on waterfowl hunting in wetlands. Applying the Ramsar definition of wetlands is likely to also impact other forms of hunting where this takes place in **peatlands** (which are considered as wetlands under the Ramsar definition).
- 3. Alternatives to lead gunshot exist and are technically and economically feasible.** The prices of lead and steel shot are currently comparable, while bismuth and tungsten, which are produced, sold and used in far lower volumes, are likely to remain more expensive than lead.
- 4.** The proposed restriction is estimated to result in an overall **annual cost in the order of €80m**, accruing to EU hunters (including costs for necessary testing, technical adaptations to shotguns, premature replacement of shotguns, and the incremental cost of more expensive alternative ammunition).
- 5.** On an individual level, this cost translates into additional costs of approximately €50-60 per year, which is marginal compared to the hunter's overall budget related to their hunting activities.
- 6.** Based on the expected impact of the restriction on lead dispersal in EU wetlands, the corresponding benefits of the restriction are estimated to be substantially larger than €105m per year.
- 7.** The proposed restriction is acknowledged to only address part of the risks to water birds from the use of lead gunshot as feeding occurs outside of wetlands. Further, the proposed restriction will only prevent around 20% of the estimated annual tonnage of lead used in gunshot for hunting from being dispersed into the environment.



And proposed the following **RESTRICTIONS**:

Lead and lead compounds

1. Shall not be used in gunshot for shooting with a shot gun within a wetland or where spent gunshot would land within a wetland.
2. Lead gunshot shall not be in the possession of persons in wetlands;
3. For the purposes of paragraphs 1 and 2:
  - “shot gun” means a smooth-bore gun,
  - “gunshot” means pellets used in quantity in a single charge or cartridge in a shotgun;
  - “lead gunshot” means any gunshot made of lead, or any alloy or compound of lead with lead comprising more than 1% of that alloy or compound;
  - “wetlands” are defined according to Article 1(1) of the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention).
4. Paragraphs 1 and 2 shall apply 36 months from entry into force of the restriction;
5. Member States may, on grounds of human health protection and environmental protection, impose more stringent measures than those set out in paragraphs 1 and 2. Member States shall inform the Commission of such measures.

In the frame of this dossier the ECHA launched a **CONSULTATION** procedure. AECAC was invited to participate through several telephone conferences and also through a written consultation (summary of the AECAC position to be seen in [Annex 1](#)).

Should the dossier demonstrate that action on the use of lead shot in wetlands beyond measures already in place is necessary on an EU-wide basis, ECHA shall, within **12 months**, communicate its conclusion to the Commission and **initiate the restriction process**.

The Commission would then prepare a draft **legal act** according to articles 57 and 59 of the REACH Regulation to be discussed and voted on by Member States in the REACH Committee, this could be expected sometime in 2018.

This could be the expected process:

- In mid-2018, the European Commission could receive ECHA’s final opinion.
- REACH puts an obligation on the European Commission and Member States to undertake certain steps if either of them considers that the manufacture, placing on the market or use of a substance on its own, in a preparation or in an article poses a risk to human health or the environment that is not adequately controlled and needs to be addressed.
- Comitology commences (usually one year) in view of amending REACH annexes by adding lead shot;
- Any restriction under REACH is submitted to World Trade Organization for third countries to give opinion (2 months’ time)
- In Comitology, DG GROW, DG ENV and DG SANTE and SEC GEN. shall be consulted;
- In the Council the agreement of MS is required for qualified majority
- European Parliament consultation shall take place for 3 months

Possible official ban could take place in **2021**.

## **7.2. General restrictions or bans on lead shots**

The ECHA is regularly updating the list of **substances of very high concern** for human’s health or environment.

On February 2018, upon request of the **Swedish Chemical Agency (CHEMI)**, ECHA started the procedure aiming at **including Lead for all its uses**, including the manufacturing of ammunition, in the REACH Candidate List. This might bring to the inclusion of lead in the Candidate List.



Lead metal is already classified as **Toxic for Reproduction** (Category 1A) in the harmonized EU CLP Classification and thus meets the criteria for Candidate Listing.

If lead is finally included in the candidate list:

- Manufacturers and distributors will have to **inform users** of the risks related to its use
- Lead might be subject to ECHA authorization
- Gradual replacement by other appropriate substances might be required

## **8. EU INDUSTRY/DISTRIBUTION PLATFORM**

Stakeholders from the main ammunition and firearms manufacturing and retailing European associations met on **5th December** in Brussels for setting up an **informal platform** to strengthen cooperation and share experiences on areas of common interest.

The following stakeholders attended the kick-off meeting of the platform:

- Víctor Fabregat, Secretary-General, European Association of the Civil Commerce of Weapons (AECAC)
- Gloria Martini, Secretary-General, Association of European Manufacturers of Sporting Ammunition (AFEMS)
- Mario Ge, Senior Advisor, Association of European Manufacturers of Sporting Ammunition (AFEMS)
- Mauro Silvis, Secretary-General, European Institute of Hunting and Sporting Arms (IEACS).

A second meeting took place on **February 5<sup>th</sup>** in Brussels.

The major goal of the platform is to work towards the establishment of a permanent dialogue and cooperation both among associations belonging to sectors and with the EU Institutions as to:

- Promote the whole sector and the several benefits it brings to the society in terms of jobs, economic contributions, safeguard and respect for the environment, etc.;
- Monitor and advocate for a stronger presence and promotion of sectors' interests within the EU institutions;
- Build a long-term ammunition and firearms industry and distribution EU strategy;
- Strengthen and coordinate an external and internal communication strategy and action.

The involvement and contribution of other European Associations operating in close sectors is welcome.

## **9. 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.

## **10. 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 Shooting Sports Forum (ESSF) represents a substantial socio-economic sector (including many thousands of small and medium-sized enterprises) with the participation of over 12 million law-abiding and responsible 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.

#### **11. 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 2018



## **Annex I. ACAC RESPONSE TO ECHA CONSULTATION ON LEAD SHOTS**

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

Brussels, 16<sup>th</sup> of August 2017

**Subject: Consultation on ECHA's proposal to restrict lead shots over wetlands**

Dear Sirs,

Reference is made to the consultation in the frame of the proposal to restrict the use of lead and its compounds in shot (containing lead in concentrations greater than 1% by weight) for shooting with a shot gun within wetlands undertaken by the European Chemicals Agency.

### **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
- Name of contact person: Víctor FABREGAT

#### **1.2. Involvement with lead in shots**

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 gun trading is involved.



AECAC is currently the only 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 impacts of any legislative change concerning lead use in shots.

Gun and ammunition retail market is a very important sector in many European countries. 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

Such companies create more than 100.000 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 **12 million** lead shot users. 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 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 retailers business in Europe.

### **Response to the consultation**

#### **QUESTION 1: Definition of a wetland**

The majority of European Member States, at least those which already restrict or ban the use of lead shots in wetlands already have implemented a definition of “wetland”. Such definitions have been introduced now for years and are perfectly known both by hunters and by enforcement officers. Introducing a specific definition of wetland will penalize the countries which regulated the issue at an early stage. Additionally it



shall be stressed that each country knows how to address better the question, according to its geography, hunting methods and biodiversity.

There for we believe that introducing a wetland definition will cause more trouble than benefits.

If despite that a definition is finally introduced, we believe that the proposed definition shall exclude the mention to “**peatland**”.

There is no evidence at all concerning risks for water birds over peatland. There isn't any research that leads to such a conclusion. Such an important restriction shall not be taken without scientific evidence. Any restriction should be workable and proportionate. Putting wetlands and peatland on the same level is clearly not proportional.

Also the reference to “**temporary**” **wetlands** is far too ambiguous and very difficult to apply both by users and officers.

We advocate for eliminating both references (peatland and temporary) from the definition as they will lead to uncertainty and ambiguity.

In any case any adopted solution cannot include in the ban the simple **possession** of ammunition over wetlands. Most hunting methods are not static. Hunters shall move around hunting grounds, and shall cross or border wetlands. Any ban shall clearly exclude possession or provide exceptions for hunters that are moving around or crossing the wetlands.

## **QUESTION 2: Experience on existing legislation preventing or reducing the use of lead gunshot in wetlands**

The main effect of the ban to use lead shots in wetlands is the 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 **12 million**.

### **QUESTION 3: Experience with the use of lead-free gunshot cartridges in wetlands**

Our report from the different countries in which lead in shots is required are not positive. Below the main issues:

**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 shots 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 shots should not be used in rocky and similar terrains due to the high risk to ricochet.

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

### **QUESTION 4: Information about shooting ranges located within wetlands or nearby to wetlands**

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.

### **QUESTION 5: How a restriction of lead gunshot in wetlands would affect EU industry? And what shall be the transitional period?**

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



SMEs would suffer more heavily the consequences of any restriction on lead use.

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).

In case such a restriction is adopted - which we oppose to - the phase out period shall be of at least **60 months**.

#### **By way of conclusion**

#### **AECAC position concerning lead in shots is the following**

The cartridge production sector is developing several projects and innovations to find a possible alternative to lead shots. 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 is produced at industrial level.

Our general opinion is that in the current situation any further restriction on lead use is unnecessary and it would affect negatively the competitiveness of European companies. It shall be stressed that any legislative change should be based on scientific evidences and should take in consideration its social and economic impact.

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