



THE VOICE OF EUROPEAN HUNTERS

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Statement of the FACE General Assembly on the decision of the REACH Committee

Having regard to the decision of the 3 September 2020 whereby the REACH Committee approved the draft Commission Regulation amending Annex XVII to REACH by prohibiting the use and carrying of lead shots in or within 100 metres of wetlands.

Affirming its support for phasing out the use of lead shot over wetlands in line with its revised [position](#) on lead in ammunition adopted on 7 September 2020 at the FACE General Assembly.

Noting with great concern that Member States' REACH representatives and the European Commission have failed to respect fundamental legal rights of citizens within and related to the proposal.

Europe's 7 million hunters, represented by the heads of Europe's national hunting associations, at the FACE General Assembly on 7 September:

- **Denounce** that their fundamental legal rights have been breached.
- **Affirm** that the presumption of innocence, which is a fundamental right under EU and national law, is not respected in the proposal with regards to the ban on the possession of lead shot.
- **Deeply regret** that hunters and enforcement officers¹ will be faced with widespread legal uncertainty with regards to:
 - o The vague definition of a wetland, which includes small and temporary puddles² and peatlands without visible water;
 - o The 100 metre buffer zones around any water;
 - o The ban on the possession of lead shot.
- **Further regret** that the advice of ECHA's Enforcement Forum³ and ECHA's Committee for Socio-Economic Analysis, which highlighted clear reservations about the proposed definition of wetlands and whether the 'possession/carrying' of lead shot could be restricted under REACH, was ignored.
- **Strongly urge** the Legal Service of the European Parliament and the Legal Service of the Council to issue a legal opinion on the proposal, in particular with respect to the following fundamental aspects of EU and international human rights law:
 - o The principle of conferral and whether the proposal exceeds the EU's competence;
 - o Legal certainty;
 - o The reversal of the traditional due process rights - *i.e.* the presumption of innocence and the burden of proof;

¹ The proposal does not give hunters and enforcement officers a clear and precise understanding of their rights and obligations, and does not enable national courts to ensure that those rights and obligations are observed.

² https://www.europarl.europa.eu/doceo/document/E-9-2020-002271-ASW_EN.html

³ https://www.face.eu/wp-content/uploads/2020/09/Forum_Advice_lead_gunshot_final_REDACTED.pdf

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- The unprecedented expansion of the scope of REACH considering that this is the first occasion under REACH proposing to restrict 'consumers' (i.e. hunters) with regards to the use and carrying of lead shot for shooting in and over wetlands;
 - The principle of proportionality;
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- **Call on** Members of the European Parliament and the Council of the EU to reject the proposal from the REACH Committee on the basis of its illegality, inapplicability and disproportionality to ensure the issues are correctly re-considered within the REACH Committee.
 - **Express** once again our commitment to collaborate with the European and national institutions to ensure the use of lead shot for hunting over wetlands is phased out in an effective and understandable way for Europe's hunters and enforcement officers.