



DEUTSCHER SCHÜTZENBUND E.V.

**Statement of
the German Shooting Sport and Archery Federation
on SEAC's draft opinion on the proposed restriction of
lead in outdoor shooting and fishing**

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General Comments

With the following statement and the answers on the Specific Information Requests by the Committee of Socio-Economic Analysis (SEAC), the German Shooting Sport and Archery Federation would like to give its comment on SEAC's draft opinion on the proposed restriction of lead in outdoor shooting and fishing.

First of all, we welcome the partial improvements proposed in the meantime compared to ECHA's original restriction proposal. The extension of the transition period to 5 years for all bullet calibres in shooting sports as well as the addition of sand traps as suitable risk management measures are steps in the right direction. However, there are also some points in the background paper as well as in the present SEAC Draft Opinion that need to be adjusted and which we would like to discuss in more detail below:

Gunshot for sports shooting

- The "optional conditional derogation" must be included in the restriction proposal as a "conditional derogation" - comparable to the use of "other projectiles for sports shooting". An EU-wide total ban on lead gunshot (RO1) would of course achieve a greater reduction in the amount of lead shot, but at the same time this would have far-reaching negative effects on shooting sports in the EU as a whole: on the international competitiveness in high performance sports (including the holding of international competitions in the EU, as the international rules will not change), thus on the reputation of our sport in society, but not least also on grassroots sports with all its positive effects on health, social coexistence, integration, inclusion etc.
- A conditional derogation would therefore be much more appropriate from a socio-economic point of view for many reasons. The release of lead can be controlled by feasible RMMs, there are no suitable alternatives for EU sports shooters - not only under the international sports rules - and it would take into account the social importance of shooting sports and its clubs.
- We consider the narrow perspective of the Committee for Socio-Economic Analysis, which is actually responsible for these aspects, to be unacceptable. An exclusive examination of the socio-economic impact on participants in the Olympic Games, as presented by SEAC (p. 28 and p. 29), completely fails. Overall, the sociological aspect is particularly missing; SEAC concentrates too much on the purely economic perspective. In this context, we refer to the social importance of shooting sports clubs and traditional shooting in Germany as part of the recognised intangible cultural heritage "Schützenwesen in Deutschland".
- We welcome in principle that one of the four main justifications for action on an Union-wide basis is: "ensure a level playing field for all engaged in sports shooting within the EU". However, the present optional restriction option (RO4), which provides for the licensing of "athletes" who may continue to use lead ammunition on licensed shooting ranges, achieves the opposite. Currently, all sport shooters in the EU have equal conditions, everyone can train and compete with lead. If the currently preferred restriction option is implemented, there will be very different ways of dealing with it in the member states, whether the new rules are implemented at all or hardly at all, whether more or less liberal action is taken when issuing licences, whether the other requirements for RMMs are complied with, etc. It is to be feared that in the states that already have a very high standard of environmental protection at the shooting ranges, such as Germany, the restrictions will be completely transposed into national law, while the member

states that are actually to be reached with the EU-wide regulation due to a current lack of national requirements will be much more lax in their implementation (as an example for this assessment, the implementation of the EU Firearms Directive may be mentioned).

- In general, it should be noted that from the point of view of shooting sports, the restriction options examined in more detail by ECHA are all unsuitable or inappropriate. There are several reasons for this - apart from the fact that the ranking of the options is not correct, as SEAC itself states:
- Licensing system for individual athletes: Licensing would create a kind of "two-class-membership" among the sports shooters, with the privileged allowed to use lead and those who are not. This would be unacceptable in terms of equal sporting opportunities, even at national level. By contrast, the use of lead on approved facilities by all sport shooters, not just a few "licensed athletes", would justify investments in upgrades to the RMMs, with only a slightly worse lead reduction rate. This achieves a much better cost-benefit balance.
- In addition to the already mentioned aspect of proportionality, which was not fully analysed regarding the socio-economic consequences, the important aspects of "practicality, enforceability, monitorability" (p. 22/23) are not sufficiently considered by ECHA, which is also stated by SEAC.
- "Practicability": The whole licensing system for "athletes" raises several questions that show the lack of practicability of this requirement: who is an "athlete"? Under what conditions/criteria should licensing take place? Who should do it? There is as yet no "national authority" to do this, unlike the shooting ranges which are already licensed/approved, and which would not incur additional costs and effort. Licensing the "athletes", on the other hand, brings other considerable problems with it: how to deal with national competitions that count, among other things, as qualification and preparation for international competitions, in which both national team members but also shooters from the national federations (i.e. not "athletes") participate who are on their way to qualify for the national team? How to deal with international competitions for which there is free registration? For example, World Masters Shooting Sport Championships by ISSF? All in all, a licensing requirement would destroy the competitive sport structure within the German Shooting Sport Federation, which is designed as a classic pyramid with a high degree of permeability, as it would deprive young athletes of the perspective of a competitive sport career. For a long-term build-up of performance, as is necessary due to the extremely high level of performance at the international level, it is necessary to be able to train with lead ammunition at an early stage and in the long term - long before a possible "licensing" would be possible. The widespread availability of training facilities where training can take place under competition conditions is essential for competitive sport. Due to the expected very heterogeneous degree of implementation in the EU states, there will be a strong imbalance at EU level - the opposite of a "level playing field" (see p 27). From a purely sporting point of view, it should also be noted that a change from steel shot in training to lead shot in international competition is unacceptable; the periods of adjustment would be far too long, because the flight characteristics of both materials and thus the sporting technique are absolutely different. Thus, the current RO4 restriction proposal of the optional conditional derogation would be tantamount to the end of competitive shotgun shooting in the EU. The careers of countless athletes and coaches would end prematurely. And with the missing perspective of being able to participate successfully in international competitions, grassroots sport would also suffer

considerably or even disappear completely. Partial aspects of this are dealt with in more detail in our answers to questions 5 and 6.

- The required evidence of a 90% recovery rate of the lead shot is also not expedient and completely disregards already existing, proven national practices, site-specific characteristics of individual shooting ranges as well as practical requirements for the operation of the respective shooting ranges. The requirement to collect lead at least once a year, which is linked to the 90% recovery target, is not economically viable for the often non-profit clubs and associations that run the shooting ranges, as the costs increase due to more frequent collection, while the income from lead recycling remains the same. The more frequent, at least annual collection is not necessary at all because of the known decomposition inertia of lead in the soil. It would therefore be much more appropriate to introduce a correspondingly high lead containment rate instead of an annual 90% recovery rate. This would ensure that no lead leaves the boundaries of the shooting range, the lead can be recovered site-specifically according to need and recycled or disposed of properly at the appropriate time. At the same time, an appropriate system of containment-monitoring-treatment of the drainage water could ensure that no significant negative environmental impacts occur. Site-specific characteristics could be taken into account and existing best management practices could be used (see also question 7).
- Enforceability: As already mentioned, there is no "national authority" that could carry out the licensing and at the same time there is no authority that could control it, as existing weapons authorities are already completely overloaded. Enforceability is thus simply not possible; it would lead to considerable differences within the EU. And what use is a rule that cannot be controlled or can only be controlled with considerable additional effort? It is clear that the inspection of individuals would involve considerable costs and bureaucracy, which would ultimately be at the expense of the individual sport shooter, as is so often the case - apt to further reduce the spread of the sport.
- The aspect of long journeys for "athletes" mentioned by SEAC, when only a few lead-approved shooting ranges are available, would - apart from the considerable waste of resources - lead to the gradual extinction of competitive sport due to the increased time and costs for the athletes, furthermore cause regional inequality within individual states as well as within the EU as a whole.
- The "pragmatic approach" proposed by SEAC to limit the licences of RO2 (exemption for athletes) also fails, because the problem with the licensing of the "athletes" remains and the perspective necessary for the approach, that the rules and regulations will be changed at international level, is completely unclear.
- One aspect that is not considered in the cost-benefit analysis is the fact that the conversion of shooting ranges for the use of alternative shot ammunition is also associated with considerable costs. Most of the shooting ranges are currently not approved and equipped for the use of lead-free ammunition. Alternative ammunition places significantly different demands on shooting ranges to ensure a safe shooting environment. Shooting range operators, most of whom are non-profit clubs and associations, would urgently need financial support from the EU, the federal government, and the states to adapt the existing infrastructure to the new requirements through appropriate approvals and, in some cases, very cost-intensive conversion and refurbishment. A simple switch from lead to lead-free ammunition is not possible.
- Therefore, in the area of "gunshot for sports shooting", we demand that the current "optional conditional derogation" be included in the restriction proposal as a "conditional derogation"

(because the criteria "releases can be controlled by RMM" and "no suitable alternatives" are given) and that similar conditions as in the area of bullets are applied: notified outdoor location, no agricultural activities, RMMs (leadshot containment and recovery, drainage water containment, monitoring and treatment according to site-specific best management practices as regulated under the national legislation).

- This would avoid the considerable negative socio-economic consequences that would be associated with the licensing system for "athletes" and the further requirements, and which would lead to the opposite of what is actually intended to be achieved. Because of the high investment in then mandatory RMMs, this exemption must be timely unlimited (cf. p. 28) and include a longer transition period for the upgrade to the mandatory RMMs.

Sports Shooting with bullets

- We welcome that ECHA/SEAC, following the user argumentation, have concluded that RO1 (total ban) is not an option at all, as there are no suitable alternatives, no uncontrolled risks, but huge unintended consequences.
- When considering the sub-options of SEAC's preferred Restriction Option 2, RO2b should be preferred to RO2c. All sub-options of RO2 are rated as proportionate by SEAC, but for the specific risk management measures RO2b is to be preferred, as the costs for the shooting range operators (often non-profit clubs/associations) are much lower (p. 56: 435 to 1,094 mill €) and the emission reduction (p. 70: 348 to 387 tonnes per year) is comparably high. The cost-benefit balance is therefore much better. This is because the water management system entails very high costs for operators, especially running costs, while its benefit is completely unclear, since a roof (or permanent cover) has to be installed anyway. Especially in traditional shooting (often "Vogel-/Königsschießen" in the context of shooting festivals) on so-called "high shooting ranges", which are only used on a few occasions in the course of a year, a water management system is completely inappropriate and impracticable. In the important area of shooting-related customs, rituals and traditional practices with its extensive socio-economic significance - especially the voluntary commitment within the clubs, from which the public welfare in the often rural areas benefits considerably - the additional costs and the extra effort would mean massive difficulties and thus lead to far-reaching negative consequences.
- We agree that the recovered lead must be recycled or disposed of in a safe and accepted way, which is already a proven practice anyway.
- The proposed transition period of 5 years is clearly too short, as upgrades of RMMs mostly have to be carried out by clubs, i.e. financially and partly also in practical personal contribution. Furthermore, it is imperative to consider the reality of the approval procedures in Germany required for the necessary constructional upgrades. In concrete terms, this means that the complex approval procedures for constructional modifications of this kind already regularly take more than 5 years. A transitional period of 5 years is therefore by no means sufficient, as construction projects often take more than a decade from planning to realisation. This is especially relevant since state/governmental procedures take precedence over those in the recreational and sports sectors. In addition, the current realities of the construction sector must be taken into account: lack of availability of construction materials

and construction companies, especially in the case of Europe-wide tenders, which are sometimes necessary, and the associated delays and additional financial burdens.

- Therefore, we also call for the derogation (RO 2b) to be timely unlimited because of the high investments – which have strongly increased over the last years – to fulfil the high standards of the necessary RMMs, especially considering that mainly clubs do have to pay for the costs and the corresponding long amortisation time for this investment done by membership fees. A stimulation of the innovation by the ammunition manufacturers – which ECHA/SEAC connects with a deadline for the derogation – is not necessary and nothing the clubs have to pay for with their investments.

General aspects

- The present restriction proposal of ECHA contains a number of problems and unclear points from the point of view of sports shooting and traditional shooting customs. One very significant point is the question of what exactly constitutes an "indoor" or "outdoor" shooting range and, consequently, what falls within the scope of the restriction. ECHA's definition of "indoor shooting sports" is: shooting that takes place entirely within a permanent building, i.e. both the target and the shooter are in the same building (building= a permanent, enclosed structure with a roof and walls). Shooting sports on all other ranges are consequently defined as "outdoor" and thus fall in the scope of the current restriction proposal. In our view, however, this definition by ECHA, also in view of our regulations applicable in Germany, falls far too short and thus unnecessarily expands the scope of the possible restriction. Instead, we propose the following definition for an "indoor shooting range": A shooting range where appropriate constructional safety measures (bullet trap/-system, bullet-proof side walls, high baffles, partial covering of the shooting lane floor in the area of the shooters stand and bullet trap) ensure that no projectile can get outside the shooting range. This explicitly includes shooting ranges that do not have a continuous ceiling but are secured upwards by appropriate high baffles.
- We would like to emphasise that the practice of sport and the active shooting-related customs and practices must not be made available only to a certain social class, i.e. those with higher incomes, through ever-increasing costs that would be associated with the proposed changes. This would go against the aims of sport to strive for universality, inclusion and equality and would lead to a significant decline in the number of sports shooters and clubs with all their important socio-economic functions within society.
- We therefore find it completely incomprehensible that SEAC itself writes that it sees several uncertainties in the central aspects of the restriction proposal, but that this should have no influence on the conclusion reached by SEAC (p. 88). This approach shows the bias with which SEAC approached the evaluation of the ECHA Restriction Proposal. A neutral, objective evaluation is obviously far away, to the disadvantage of the shooting sport and the traditional shooting.
- The current restriction proposal is in no way compatible with the goals of "Better Regulation" (EU actions based on evidence, making simpler and better EU laws, involving citizens, businesses and stakeholders in the decision-making process). On the contrary, it is accepted that sports shooting and traditional shooting-related customs will be permanently

damaged, although they do not pose any uncontrollable risks to human health and the environment, especially in view of the small quantities of lead compared to other sectors. This lack of "proportionality" inevitably leads to the EU being perceived by those affected as a purely "prohibition institution", to which the lifestyles of its citizens, their sporting and leisure behaviour, cultural diversity etc. are of little value.

Finally, we once again repeat our position to install a permanent, timely unlimited derogation on the use of all types of lead-containing ammunition for all sports shooters on all registered/licensed shooting sport facilities which operate under the relevant national regulations.

Specific Information Requests

5:

Sports shooting

Suitability of steel gunshot as an alternative to lead gunshot in clay target shooting: In the consultation on the Annex XV report, contradictory information on the suitability of steel gunshot for clay target shooting was received. SEAC requires further information, in the form of the results of tests, field reports, practical experience, or similar, on whether there are clay target shooting disciplines for which the use of steel gunshot is currently not suitable and why. SEAC would be especially interested in any limitations of steel gunshot to consistently hit targets at longer distances.

In consultation with our national coaches and national team members, the German Shooting Sport Federation would like to point out that steel shot - according to extensive practical experience at high performance level - is not suitable for the Olympic shotgun disciplines, as the ballistic performance of steel shot is significantly lower than that of lead shot. The kinetic energy of steel shot decreases much faster in flight, giving it a much lower hitting performance, especially at long distances.

The Olympic shotgun disciplines certainly differ in the effects of switching from lead to steel shot: in trap, due to the sometimes greater hitting distances of the targets, especially in doubles, which are shot later/farther away, the performance of steel shot is simply not sufficient due to its ballistic properties. In skeet, where the targets are sometimes hit much earlier and thus closer to the shooter, the risk of injury from steel shot rebounding from the clay targets due to their hard surface must also be considered. There are considerable safety concerns here due to ricochets. Thus, it can be stated for the Olympic shotgun disciplines that the use of steel shot is unsuitable - for top-level but also for grassroots sports.

Because especially for young and senior sports shooters steel shot is also unsuitable: due to the less experience of young and the decreasing responsiveness of older sports shooters, these sports shooters shoot the targets much later and thus at a greater distance. For them, the scoring with steel shot decreases disproportionately, which can have an extremely negative effect for reasons of motivation - the sport is no longer attractive for both younger and older sports shooters, it is thus deprived of its foundation.

The socio-economic aspect that a large number of the shotguns currently in use are not suitable/approved for the use of steel shot, and that a ban on lead shot would de facto lead to the owners being expropriated overnight, will not be discussed again here.

6:

Switching between using steel and lead gunshot for sports shooting: The optional conditional derogation of the proposed restriction, allowing the use of lead gunshot for licenced individuals at permitted sites, may necessitate regular back-and-forth switching between the use of steel and lead gunshot for such individuals (e.g. steel gunshot is used at the local club if this is not a permitted site, lead gunshot is used when training at a permitted site for a competition). SEAC would be interested to receive relevant information, including practical experience, that allows it to better understand how much time (hours, days, weeks) is needed when switching from steel to lead gunshot, or vice versa, to reach the same level of proficiency.

As already mentioned in our General Comments, the German Shooting Sport Federation strongly opposes the proposal to grant access to lead shot ammunition only to "athletes" participating in international competitions for reasons of equal treatment of athletes, practicability, enforceability and monitorability. This would avoid the need for members of our national team to constantly switch between using lead and lead-free ammunition.

This for a good reason, because switching between lead and lead-free ammunition requires a change in shooting technique (different "aiming", different timing, changed recoil, etc.) due to the different ballistic properties of the ammunition (see question 5). This change in technique requires an adjustment phase (which varies from individual to individual) of at least several days in order to reach the top level again with the respective ammunition. The same performance level cannot be achieved with steel shot (see question 5).

In view of the extremely high performance density at the international top level, it is now common and necessary in this field to work out a perfect shotgun-ammunition-shooter set-up using various performance-diagnostic measuring methods and tests, at great expense and with partial support from governmental, publicly funded bodies (in Germany, among others, the Institute for Research and Development of Sports Equipment FES) - necessary in order to be successful at all. Against this background, the proposed constant change between lead-free and lead ammunition seems obviously contradictory. For international competitiveness, an "equal playing field", for athletes from the EU, the continuous possibility to shoot with lead at all ranges in training and competition (including national qualification measures at the lowest level) is therefore a basic prerequisite for possible international success. This is impossible with the currently proposed Restriction Options and a switch between lead and steel shot, also due to the time density in the international competition calendar.

Proof of this, among other things, is the fact that top athletes from nations where a ban on the use of lead shot ammunition is already in force (Scandinavia, Denmark, the Netherlands, etc.) spend their entire pre-season preparation in the run-up to international competitions abroad, where lead shot ammunition can be used. This would presumably happen more often in the future if the ban on the use of lead shot came into force in the form currently presented. The resulting additional environmental impact and costs due to flights etc., as well as the fact that lead would then be shot

outside the EU under significantly worse environmental conditions, shows how unproductive the current proposal is.

7:

Lead gunshot recovery with more than 90% effectiveness: The optional conditional derogation of the proposed restriction, allowing the use of lead gunshot for licenced individuals at permitted sites, would necessitate the introduction of a method to keep track of the amount of lead used per year and to keep records to confirm that more than 90% of used lead is recovered. SEAC would be interested to receive relevant information concerning suitable methods to keep track of the amount of lead used and the lead recovery rate, as well as about estimates of the costs involved.

As already stated in our General Comments, the required evidence of a 90% recovery rate of the lead shot is also not expedient and completely disregards already existing, proven national practices, site-specific characteristics of individual shooting ranges as well as practical requirements for the operation of the respective shooting ranges. The requirement to collect lead at least once a year, which is linked to the 90% recovery target, is not economically viable for the often non-profit clubs and associations that run the shooting ranges, as the costs increase due to more frequent collection, while the income from lead recycling remains the same. The more frequent, at least annual collection is not necessary at all because of the known decomposition inertia of lead in the soil. It would therefore be much more appropriate to introduce a correspondingly high lead containment rate instead of an annual 90% recovery rate. This would ensure that no lead leaves the boundaries of the shooting range, the lead can be recovered site-specifically according to need and recycled or disposed of properly at the appropriate time. At the same time, an appropriate system of containment-monitoring-treatment of the drainage water could ensure that no significant negative environmental impacts occur. Site-specific characteristics could be taken into account and existing best management practices could be used.

Our National Training Centre in Wiesbaden, for example, has a clay sealing membrane in the soil of the complete range in addition to the earth wall (without foil). On the one hand, this ensures an almost 100% containment rate of the lead shot, and on the other hand, it prevents lead and drainage water from penetrating into deeper layers. The water on the shooting range is continuously monitored. The example shows that an annual recovery is not necessary on the one hand, and not economically feasible on the other. The currently planned requirement would therefore jeopardise the operation of our national training centre without any necessity and without any environmental risk.

For the reasons mentioned above, especially the resulting increase in costs for our clubs as shooting range operators, we firmly reject the requirement proposed by ECHA for the annual recovery of 90% of used lead.

**Deutscher Schützenbund e.V. / German Shooting Sport & Archery Federation
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