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amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards lead in certain fishing tackle

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ([1]), and in particular Article 68(1) thereof,

Whereas:

(1) Annex XVII to Regulation (EC) No 1907/2006 lays down restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles. Entry 63 of that Annex contains restrictions with respect to lead (CAS No 7439-92-1, EC No 231-100-4) and lead compounds ('lead'), including a restriction on lead in gunshot in or around wetlands that was introduced by Commission Regulation (EU) 2021/57 ([2]).

(2) Lead is classified under Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([3]) as very toxic to aquatic life, and toxic for reproduction, due to its adverse effects on fertility and the development of the nervous system of the foetus and the child, leading to permanent damage and intelligence quotient (IQ) loss. No safe lead-concentration threshold has been identified under which lead has no ill effects on human health. Lead is also associated with an increased risk of cardiovascular, kidney and central-nervous-system diseases in adults. Moreover, exposure to lead can have a range of acute and chronic toxicological effects, including death, in animals, particularly in birds ([4]).

(3) The Union and its Member States are Contracting Parties to the Convention on the Conservation of Migratory Species of Wild Animals ([5]) (CMS). The Preventing Poisoning Working Group (PPWG) developed Guidelines to Prevent the Risk of Poisoning to Migratory Birds ('Guidelines'), which were adopted in 2014 by CMS Resolution 11.15. The Guidelines recommend both the phasing-out of the use of lead ammunition across all habitats and the phasing-out of the use of lead fishing weights in areas where migratory birds have been shown to be particularly at risk of lead poisoning.

([1]) OJ L 396, 30.12.2006, p. 1, ELI: http://data.europa.eu/eli/reg/2006/1907/oj.

([2]) Commission Regulation (EU) 2021/57 of 25 January 2021 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards lead in gunshot in or around wetlands (OJ L 24, 26.1.2021, p. 19, ELI: http://data.europa.eu/eli/reg/2021/57/oj).

([3]) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/20060 (OJ L 353, 31.12.2008, p. 1, ELI: http://data.europa.eu/eli/reg/2008/1272/oj).

([4]) The Committee for Risk Assessment (RAC) and the Committee for Socioeconomic Analysis (SEAC), *Background document to the Opinion on the Annex XV dossier proposing restrictions on Lead in shot*, p. 3, https://echa.europa.eu/documents/10162/28acf817-61a6-3ca6-4e85-a71ef0e07740.

([5]) https://www.cms.int/en/convention-text.

(4) On 16 July 2019, the Commission asked ([6]) the European Chemicals Agency ('the Agency'), pursuant to Article 69(1) of Regulation (EC) No 1907/2006, to prepare a dossier ('the Annex XV dossier') to address the concerns regarding human health and the environment posed by lead in: (i) ammunition, including gunshot used in terrains other than wetlands and bullets used both in wetlands and in terrains other than wetlands; and (ii) fishing tackle. The mandate did not extend to uses of ammunition for indoor shooting, or to uses by the police, the military and other security forces.

(5) On 24 March 2021, the Agency published the Annex XV dossier ([7]) in which it concluded that lead in ammunition and certain fishing tackle poses a risk to the environment and human health, in particular to vulnerable populations such as children that is not adequately controlled and that needs to be addressed on a Union-wide basis. The Agency concluded that the ingestion by birds and other animals of unrecovered lead-based ammunition, lead-based sinkers ('lead sinkers') and lead-based lures ('lead lures') from hunting, sports shooting and fishing activities results in the poisoning and frequent death of animals. Furthermore, it found that lead accumulation at sports-shooting ranges can result in the leaching of lead-polluted surface water into local watercourses and may affect groundwater, potentially poisoning people, livestock and wildlife. The Agency also concluded that there are human health risks associated with consuming the meat of animals killed with lead ammunition, particularly for children aged seven years and younger, or when making lead ammunition or sinkers or lures at home.

(6) The Agency estimated that, if the current releases of lead from shooting and fishing in the Union continue, approximately 876 000 tonnes of lead will be released into the environment over the next 20 years. This will place at least: (i) 7 million birds at risk of poisoning by the ingestion of sinkers and lures; (ii) 135 million birds at risk of poisoning by ingestion of lead gunshot; and (iii) 14 million birds at risk of poisoning by ingestion of lead via the consumption of food. In addition, the Agency estimated that, each year, about 13,8 million individuals from hunters' families, including 1,1 million children aged seven years or younger, are vulnerable to lead exposure from game meat.

(7) Against this background, the Agency proposed a restriction of lead in ammunition and certain fishing tackle which included, inter alia, a restriction on the placing on the market and use of lead in a concentration of equal to or greater than 1 % in sinkers, lures, fishing wires and drop-in sinkers. Moreover, the Agency proposed imposing information obligations on retailers of those products and labelling obligations on ammunition suppliers. The proposed restriction was intended to reduce lead emissions by approximately 630 000 tonnes, of which 48 300 tonnes from avoided use of lead in fishing tackle, over the 20 years following its introduction. This would be a reduction of 72 % compared with a situation without the proposed restriction. The restriction would also prevent IQ loss in about 7 000 children in the Union per year, leading to a welfare saving of roughly EUR 70 million per year.

(8) In its Annex XV dossier, the Agency identified many alternatives to lead in fishing tackle (such as brass, concrete, pebbles, steel, tin, zinc and tungsten) but acknowledged that some of these alternatives, especially brass and zinc, also harm the environment. The Agency noted that alternatives to lead fishing wires are widely available in retail shops and that drop-in sinkers can be replaced with different techniques or alternative sinkers that are not intended to be dropped off during use and therefore do not cause a direct and intentional release of lead into the environment.

(9) The Agency recommended that the restrictions on fishing wires and drop-in sinkers should apply as soon as possible, given the availability of alternatives and the need to prevent the direct and intentional release of lead into the environment. In order to allow operators to adapt to the new rules and put in place the necessary risk management measures, the Agency recommended a deferred application of the restrictions on articles other than fishing wires and drop-sinkers within the scope of the Annex XV dossier and of the information and labelling obligations.

([6]) https://echa.europa.eu/documents/10162/17233/rest_lead_ammunition_COM_request_en.pdf.

([7]) European Chemicals Agency, *Annex XV Restriction Report – Lead in outdoor shooting and fishing*, 24 March 2021, https://echa.europa.eu/documents/10162/da9bf395-e6c3-b48e-396f-afc8dcef0b21.

(10) The Agency considered a derogation for split shot that weighs 0,06 g or less and is placed on the market in spill-proof and child-resistant packaging but decided to retain the restriction because of the residual risk to birds.

(11) Only a limited number of Member States have national provisions in place that prohibit the use of lead in fishing to reduce lead emissions and exposure. The Annex XV dossier demonstrated that Union-wide action to address the risk associated with lead in certain fishing tackle is necessary in order to ensure a harmonised level of protection across the Union.

(12) On 2 June 2022, the Agency's Committee for Risk Assessment (RAC) adopted an opinion pursuant to Article 70 of Regulation (EC) No 1907/2006 with respect to the Annex XV dossier. In its opinion, RAC concurred with the Agency's conclusion that the use of lead in fishing poses a wide range of risks to both human health and the environment. RAC concluded that the restriction proposed by the Agency would be the most appropriate Union-wide measure to address the identified risks.

(13) RAC did not support a derogation for split shot weighing 0,06 g or less, even if placed on the market in spill-proof and child-resistant packaging, because this would decrease the level of environmental protection provided by the restriction.

(14) RAC supported the labelling and information requirements proposed by the Agency for lead in certain fishing tackle. However, RAC recommended avoiding confusion by increasing the lead concentration limit that would trigger the application of the requirements from 0,3 % to 1 % by weight, so as to align it with the concentration limit that triggers the ban on placing on the market and use.

(15) On 2 December 2022, the Committee for Socio-Economic Analysis (SEAC) adopted an opinion pursuant to Article 71(1) of Regulation (EC) No 1907/2006. It concluded that the proposed restriction would be the most appropriate Union-wide measure to address the identified risks as concluded by RAC, provided that the conditions are modified as proposed by SEAC. That conclusion takes into account the proportionality of the socioeconomic benefits of the measure to its socioeconomic costs.

(16) SEAC could not reach a conclusion as to whether a derogation for the use of lead in split shot weighing 0,06 g or less would be justified on socioeconomic grounds. This was due to a lack of evidence on the availability and technical performance of alternatives and the socioeconomic impacts of a restriction on this use.

(17) SEAC did not have sufficient information to reach a conclusion as to whether the cost of providing information at the point of sale (as proposed by the Agency and supported by RAC) would be fully justified, or whether other educational measures could more effectively influence purchasing behaviour. SEAC agreed with RAC that the same concentration limit of 1 % by weight that was proposed for restricting the placing on the market and use of lead in certain fishing tackle should also apply to labelling and information requirements in order to avoid confusion and assist enforcement. SEAC also supported RAC's proposal to apply the labelling and information requirements to alternatives containing copper and copper alloys only when the lead content is equal to or greater than 3 % by weight.

(18) The Forum for Exchange of Information on Enforcement ('Forum') was consulted in accordance with Article 77(4), point (h), of Regulation (EC) No 1907/2006. Its recommendations were taken into account.

(19) On 27 February 2023, the Agency submitted the opinion of RAC and SEAC ([8]) to the Commission.

([8]) The Committee for Risk Assessment (RAC) and the Committee for Socioeconomic Analysis (SEAC), *Opinion on an Annex XV dossier proposing restrictions on lead and its compounds*, 2 December 2022, https://echa.europa.eu/documents/10162/2c82ef18-ce5d-4b4f-8ff0-002932154acc.

(20) Taking into account the Annex XV dossier, the opinion of RAC and SEAC, the socioeconomic impact and the availability of alternatives, the Commission considers that there is an unacceptable risk to the environment and human health stemming from the use of lead in ammunition and certain fishing tackle, and that that risk needs to be addressed on a Union-wide basis. It is therefore appropriate to restrict the placing on the market and use of such ammunition and fishing tackle.

(21) To reduce complexity and increase legal clarity, the Commission considers that the restriction of lead in ammunition and certain fishing tackle, as proposed in the Annex XV dossier, addressed in the opinion of RAC and SEAC, and assessed in the advice provided by the Forum, should be adopted by the Commission by means of two separate Regulations.

(22) The restriction should apply to the placing on the market of certain fishing tackle for both commercial fishing and recreational fishing. In contrast, concerning the use, the Forum has specifically raised the issue that enforcing the prohibition of use for recreational fishing would be very difficult since it concerns private persons and homes. In addition, the use of fishing tackle for recreational fishing will decrease over time in any event as a result of the restriction on the placing on the market. Consequently, the restriction on the use of certain fishing tackle should only apply to commercial fishing, and this Regulation should not harmonise the use of lead in fishing tackle for recreational fishing and, therefore, should not prevent Member States from adopting measures to ensure the protection of the environment or human health in that regard.

(23) The restriction of lead in certain fishing tackle should apply to such fishing tackle with a lead concentration equal to or greater than 1 % by weight. It is considered that the 1 % concentration limit is sufficient to address the identified risk and can be readily achieved by producers of alternatives, given that some of those alternatives are likely to contain lead as an impurity.

(24) The Commission considers that sinkers weighing more than 1 kg are not at risk of being ingested by birds and should therefore not be restricted. The Commission also considers that the restriction on the placing on the market and use of fishing wires and drop-in sinkers should apply after a period of only six months, in order to rapidly prevent the direct and deliberate release of lead into the environment while still granting sufficient time to operators to adapt to the restriction. Moreover, the Commission concurs with the Agency, RAC and SEAC that a weight that is enclosed, embedded or threaded in a fishing net or a line does not contribute to the identified risk to animals, in particular birds. Therefore, the Commission considers that such weights should not be covered by the restriction.

(25) For fishing lures containing copper alloys, a derogation allowing in those lures a concentration of lead higher than 1 % but less than 3 % by weight is justified in order to avoid changes in machinery leading to large increases in production costs and ensure the continuing production of brass lures, which are the most common alternatives to lead lures and currently contain lead in concentration between 1 % and 3 %. However, this derogation should be reviewed after 10 years to verify whether new copper alloys containing less than 1 % lead by weight have been developed.

(26) The Commission acknowledges the technical difficulties involved in finding alternatives to lead that are both sufficiently malleable and heavy enough to be used in very small split shot. It therefore considers that a derogation for the use of lead in split shot weighing 0,06 g or less is justified if the split shot is placed on the market in spill-proof and child-resistant packaging in order to minimise accidental releases into the environment. The Commission also considers that this derogation should be reviewed after 10 years to evaluate whether new alternatives have been developed and the derogation is still justified.

(27) The Commission concurs with the Agency and RAC that a requirement for retailers to display information at physical and online points of sale, as well as on packaging, is justified in order to warn users of the risks of using lead sinkers and lures.

(28) To avoid unnecessary waste, the restriction should not apply to the use of certain fishing sinkers and lures for commercial fishing that were placed on the market in the Union before the entry into application of this restriction.

(29) Some Member States have national provisions in place for the protection of the environment or human health that prohibit or restrict the use of lead in lures, sinkers or fishing wires that are stricter than those laid down in this Regulation. Requiring those Member States to reduce their existing level of protection from exposure to lead in order to comply with this Regulation might lead to a greater use of lead in those Member States. Such a result would not be compatible with the high level of protection required by Article 114(3) of the Treaty. Member States should therefore be allowed to maintain stricter provisions for the use of certain fishing tackle.

(30) Regulation (EC) No 1907/2006 should therefore be amended accordingly.

(31) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1907/2006 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 November 2026.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex XVII to Regulation (EC) No 1907/2006, the following paragraphs are added in entry 63, column 2:

	‘21. Shall not be placed on the market for any fishing, or used for commercial fishing, in a concentration of lead (expressed as metal) equal to or greater than 1 % by weight: (a) in sinkers and in lures weighing 50 g or less, and not covered by point (c) of this paragraph, from 3 December 2029; (b) in sinkers and in lures weighing 1 kg or less, but more than 50 g, and not covered by point (c) of this paragraph, from 3 December 2031; (c) in fishing wires and in drop-in sinkers, from 3 March 2027. 22. From 3 March 2027, retailers of fishing sinkers and lures of any dimension or weight, containing lead in concentrations equal to or greater than 1 % by weight, shall clearly and visibly display the following information, at the point of sale and in close proximity to the products mentioned above or, in the case of distance sales, in the distance sales offer: “***WARNING**: this product contains lead which is very toxic to the environment and may damage fertility or the unborn child. The placing on the market and use of lead in the fishing tackle listed below is restricted in the EU from:* — *3 December 2029 for sinkers and lures weighing 50 g or less;* — *3 December 2031 for sinkers and lures weighing 1 kg or less, but more than 50 g;* — *3 March 2027 for fishing wires and drop-in sinkers of any weight.* *More information, including on the availability of lead-free alternatives, is available at [www.echa.europa.eu].*” The information referred to in the first subparagraph shall be in the official languages of the Member State where the point of sale is established or, in the case of distance sales, in the official languages of the Member State where the distance sale is offered, unless the Member State concerned provides otherwise regarding those languages. 23. By way of derogation, paragraphs 21 and 22 shall not apply to: (a) lures made of copper alloys containing a concentration of lead (expressed as metal) less than 3 % by weight; (b) split shot weighing 0,06 g or less that is placed on the market in spill-proof and child-resistant packaging. The derogations referred to in points (a) and (b) shall be reviewed by the Commission, based on a report produced by the Agency, after 3 December 2036. 24. By way of derogation, paragraph 21, points (a) and (b), shall not apply to the use of fishing sinkers and lures placed on the market in the Union before, respectively, 3 December 2029 and 3 December 2031. 25. Member States may maintain national provisions for the protection of the environment or human health that are stricter than provided for in paragraphs 21-24, provided those measures fulfil both of the following conditions: (a) they are in force on 3 December 2026; (b) they restrict only the use but not the placing on the market of lead in lures, sinkers and fishing wires. 26. Member States shall communicate the text of the national provisions referred to in paragraphs 25 to the Commission without delay. The Commission shall make publicly available without delay any such texts of national provisions received by it.

	27. For the purposes of paragraphs 21 to 26: (a) “sinker” means a weight that is attached or intended to be attached to a fishing line, a lure or a fishing net to keep it under the water, or in a certain position, but not a weight that is enclosed, embedded or threaded in a fishing net or a line; (b) “lure” means an object that is used to attract fish or other animals, so that they can be caught; (c) “fishing wire” means a thin thread of metal that is intended to be cut in short pieces and used as a weight to keep lures under the water; (d) “drop-in sinker” means a sinker that is intended to be deliberately released during use; (e) “split shot” means a sinker made of a small piece of metal that is pinched around the fishing line to add weight to it; (f) “commercial fishing” means fishing for profit and not for recreational purposes; (g) “fishing tackle” means equipment, including sinkers, lures and fishing wires, used in commercial or recreational fishing.’