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20070727 --- --- PROJET



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Published
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Order amending the Order (1998:994) imposing bans, etc., in certain cases in connection with the handling, import and export of chemical products;

issued on X November 2007.

The Government decrees that Sections 14 a and 14 c to f of the Order (1998:994) imposing bans, etc., in certain cases in connection with the handling, import and export of chemical products shall be worded as follows:

Section 14 a¹ ~~For the purposes of this Order, the following definitions shall apply:~~

FN(1):<<Most recent wording 2002:273.>>

ammunition shall mean cartridges charged with shot or bullets,

wetlands shall mean an area under vegetation where the surface of water is marginally beneath, at the same level as or marginally above the surface of the land and where the water level is allowed to vary according to natural seasonal variations, and

target hunting shall mean shooting at dummy targets in the countryside.

Section 14 c² It is not permitted to use cartridges charged with lead shot

FN(2):<<Most recent wording 2005:634.>>

1. when shooting,
2. when hunting in wetlands, or
3. when hunting across shallow parts of open water.

Section 14 d³ Despite the ban set out in point 1 of Section 14 c, shot containing lead may be used in test firing, target hunting and in the taking of tests in relation to hunters' licensing tests for approved test administrators if, in consideration of the purpose or safety of use, there is no acceptable alternative lead-free ammunition.

FN(3):<<Most recent wording 2002:273.>>

Section 14 e⁴ A party operating a business in the form of an indoor or outdoor shooting range shall implement such measures, adapted to the location, as are necessary to ensure that any ammunition containing lead that is used does not cause harm to or problems for human health or the environment.

FN(4):<<Most recent wording 2002:273.>>

Section 14 f⁵ The Swedish Environmental Protection Agency may also lay down administrative provisions on exceptions from the ban set out in point 1 to Section 14 c in respect of historical shooting and for the sports shooting disciplines of trap, double trap and skeet if the rules of the International Shooting Sport Federation do not allow for the use of lead-free ammunition in these disciplines.

FN(5):<<Most recent wording 2003:1190.>>

The Swedish Environmental Protection Agency may, except in the case of indoor and outdoor shooting ranges belonging to the Swedish Armed Forces or the Swedish Defence Material Administration, issue more detailed administrative provisions on the application of Sections 14 c(3) and 14 e.

This Order shall enter into force on x December 2007.

On behalf of the Swedish Government,

ANDREAS CARLGREN

Egon Abresparr
(Ministry of the Environment)

1 FN(1)

2 FN(2)

3 FN(3)

4 FN(4)

5 FN(5)

Memorandum

29 June 2007

Ministry of the Environment*Ecocycle and Chemicals Division**Senior Administrative Officer**Johan Gråberg**Telephone + 46 (0)8-405 22 83**Email johan.graberg@environment.ministry.se*

These provisions have been notified in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society Services (OJ L 204, 21.7.1998, p. 37, Celex 31998L0034), as amended by European Parliament and Council Directive 98/48/EC (OJ L 217, 5.8.1998, p. 18, Celex 31998L0048).

Impact assessment for the amended regulations on lead in ammunition**1. Amendment of the regulations on lead in ammunition**

The proposed amendment to the Order (1998:994) imposing bans, etc., in certain cases in connection with the handling, import and export of chemical products involves the revocation of the total ban on lead in ammunition for hunting and shooting that was to enter into force on 1 January 2008. Instead, the current ban on the use of lead shot for hunting in wetlands and for shooting will remain in force. The ban on the use of lead shot above open water is being narrowed to apply to shallow parts of open water. The previous requirement for environmentally-friendly bullet collection facilities at shooting ranges where lead bullets are used is being replaced by a general requirement to implement environmental measures at shooting ranges.

The Swedish Environmental Protection Agency and the Swedish Chemicals Inspectorate have investigated the environmental impact of lead in ammunition and analysed the effects of a total ban on lead ammunition. The authorities' report has been circulated for comment. The authorities' report, together with background documents to the report and the responses to the consultation process demonstrate that the real environmental impact of lead in ammunition can be summarised as follows:

- there is a well-documented risk of the lead-poisoning of seabirds and a possible risk of secondary lead-poisoning of birds of prey,
- there is a risk of negative effects for the environment in areas where hunting is carried out intensively,
- there is a risk of lead leakage from bullet collection facilities where there are high contents of lead, a low pH value or water flows through the bullet collection facility, and
- there is a future risk to the environment and health at disused shooting ranges if they are not cleaned up.

In their impact assessment, the authorities found that it is not justified to implement a total ban on lead in ammunition.

2. The impact for hunters and shooters

For hunters, the amendments to the Order (1998:994) imposing bans, etc., in certain cases in connection with the handling, import and export of chemical products here proposed will mean that they will be able to use lead bullets for hunting and lead shot for hunting except in wetlands and over shallow parts of open water. This means that more lead will be dispersed into the environment than would be the case with a total ban, but that it will be possible for hunting to take place in a manner that is better from an animal welfare point of view and without the risk of damage to woodland as a result of hard alternative shot. The quantity of lead that will be dispersed as a result of hunting with bullets is very small (6 to 10 tonnes per annum). Lead shot ammunition will still not be used in wetlands. The ban is properly justified as there is a risk of seabirds ingesting lead shot and getting lead poisoning.

Under the earlier decision, shooting at shooting ranges using lead bullets was to be prohibited as of 1 January 2008. The present proposal to amend the Order revokes that ban. It will, therefore be possible to use lead bullets when shooting at shooting ranges. As the current ban on lead shot in shooting works well – as there are acceptable lead-free alternatives – the ban on lead for such shooting will be retained. Normally, lead from ammunition in bullet collection facilities is stable and inactive and thus does not affect the surrounding environment. It is nonetheless important for lead from ammunition on shooting ranges to be handled in such a way that it does not have a negative impact on the environment. The requirement under the Order for the implementation of environmental measures at shooting ranges is designed in such a way that measures will be implemented taking account of local conditions. Either environmentally-friendly bullet collection facilities may be put up or any leakage of lead compounds from the bullet collection facility may be monitored and dealt with as necessary. This means that there are good conditions for shooting business at shooting ranges to be able to continue. The Swedish Environmental Protection Agency is being authorised to lay down more detailed administrative provisions on environmental measures to be put in place at shooting ranges.

3. Impact for businesses

Businesses that manufacture and sell lead shot ammunition will continue to be able to do so. The use of lead shot has, however, been reduced in recent years as a result of the banning of its use in hunting in wetlands and in shooting. Similarly, manufacturers of lead bullets will continue to have access to a market. As a result of the fact that it will be permitted to hunt and practice shoot using lead bullets, manufacturers of copper bullets will not enjoy the same potential market that a ban on lead would have meant. This may mean that they will not see the return on investments that they have made. The same could also apply to manufacturers of environmentally-friendly bullet collection facilities when the requirement for environmental measures at shooting ranges takes its new, more flexible form.

4. Impact on authorities and municipalities

The impact on authorities and municipalities is judged to be limited. The Swedish Environmental Protection Agency will need to draw up detailed administrative provisions setting out what environmental measures need to be put in place at shooting ranges in order, amongst other things, to facilitate supervision by the municipalities. It is not thought that the draft will have any negative consequences for the armed forces or the police.

5. Social impact

Lead from ammunition will be dispersed to a greater extent than if there had been a total ban on lead in ammunition. However, the decision guidance document demonstrates that lead from ammunition on solid ground does not lead to any environmental problems as lead is a stable metal that is inactive on the ground. The use of lead shot ammunition will continue to be prohibited in wetlands, where there is a danger of the lead having a detrimental impact on seabirds. In Sweden, the use of lead in ammunition has halved over the last ten years. Voluntary undertakings on the part of hunters' and shooters' organisations may enable the use of lead ammunition to continue its downward trend.

The amendment to the Order allows shooting clubs to continue operating. It means that manufacture people in Sweden will continue to be able to enjoy their pastime. Shooting clubs will, however, be responsible for implementing environmental measures suitable to local conditions in order to ensure that lead does not leak from the shooting ranges and in order to avoid the future need to clean up shooting ranges, which can be costly for the community.