

Tomáš Zdechovský

Member of the European Parliament

**Mr. Virginijus SINKEVICIUS**  
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EU Commissioner for Internal Market, Industry,  
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May 4<sup>th</sup>, 2020

**Subject: EC Unit D.3 – Nature Protection exerts undue political influence on government members of the NADEG technical group regarding the proposed lead shot ban over wetlands under REACH**

Dear Commissioners,

I am writing to you about DG ENVI - Unit D.3-Nature Protection - approach to the European Commission's proposal concerning the restriction on the use of lead gunshot within or over wetlands, which is currently subject to discussion with the EU REACH Committee.

After receiving the opinion of the European Chemical Agency, the EC started the legislative procedure to amend Annex XVII in accordance to Article 73 (1) of the Regulation (EC) N° 1907/2006 on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). The EC proposal has been discussed in the REACH Committee and a decision is expected in June 2020.

Ahead of the upcoming meeting of the Expert Group on the Birds and Habitats Directive (NADEG)<sup>[1]</sup>, ENVI circulated a NADEG Information Paper for NADEG members. In the document, the European Commission services invite NADEG members **“to contact the competent national authorities in charge of REACH, in particular their national representatives in the REACH Committee, to raise their awareness on the issue and to ensure a positive vote on the draft Commission Regulation<sup>[2]</sup>.”**

While it is understandable that the European Commission informs (via information documents) NADEG members about the recent development concerning the proposed restriction on the use of lead gunshot within or over wetlands, **the request by DG ENVI to NADEG representatives to contact national representatives in the REACH Committee is, I believe, in breach of EU procedure and standard practice. DG ENVI services were clearly acting beyond their competence in order to influence — via the NADEG Expert Group — a political decision, whose authority at this time lies exclusively with the REACH Committee as established by art.133 of the REACH Regulation.**

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I would like to remind that in line with the Code of Conduct, the impartiality of the EC and its civil servants has always been the cornerstone of EU politics. Besides, the principle of good administration not only requires that all EU institutions take unbiased and objective decisions, but also their decisions must be perceived as impartial throughout the procedure leading to the adoption of a decision. EU institution staff must void any actions that could lead to their impartiality into question. The fact that the EC has been struggling on the proposed lead ban over wetlands cannot justify any undue influence exerted by the EC services on the NADEG Expert Group. At the top of that, I am deeply concerned that the properties of the same NADEG information document states Birdlife International as the origin of the document.

**I would like to therefore ask you, as Heads of Units responsible for this area (and responsible Commissioners), for the explanation behind the actions mentioned above? Moreover, what concrete steps or measures will be introduced to avoid that such a practice would not happen again in the future?**

Given the complexity of the lead ban dossier and complicated development within the REACH Committee, I believe that a transparent and a politically balanced process is required within the services of the EC.

I stay at your disposal to discuss this issue and I look forward for your response to this serious matter.

Yours sincerely,



Tomáš Zdechovský

<sup>[1]</sup> The meeting of the Expert Group on the Birds and Habitats Directive (NADEG) is going to take place on 6-7 May 2020.

<sup>[2]</sup> The documents related to the NADEG meeting are available here <https://circabc.europa.eu/w/browse/8b87d7f3-db64-4071-8c69-9b8c25047519>.