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DRAFT STATUTORY INSTRUMENTS

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**2024 No.**

**The Product Safety and Metrology  
etc. (Amendment) Regulations 2024**

**Amendment to the Aerosol Dispensers Regulations 2009**

- 5.—(1) The Aerosol Dispensers Regulations 2009(1) are amended as follows.  
(2) For regulation 5A substitute—

**“Obligations that are met by complying with obligations in the Directive**

**5A.**—(1) In this regulation any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive.

(2) Paragraph (5) sets out the requirements which must be complied with in order to mark an aerosol dispenser with the UK marking.

(3) Paragraphs (5) and (6) set out the requirements which must be complied with under regulation 5(a)(ii)(aa) in order to mark an aerosol dispenser with the symbol “3” (inverted epsilon).

(4) Where the requirements in paragraph (5) are complied with—

- (a) the requirements of regulation 3(1) are disapplied;
- (b) the requirements of regulation 3(2) to (7) are treated as being satisfied;
- (c) the reference in regulation 5(a)(i) to regulation 3 is to be read as a reference to paragraph (5) and regulation 3(8) and (9).

(5) The requirements referred to in paragraphs (2) and (3) are that—

- (a) the aerosol dispenser is a relevant aerosol dispenser;
- (b) the relevant aerosol dispenser—
  - (i) complies with the provisions relating to construction and equipment set out in point 2.1 of the Annex;
  - (ii) complies with the provisions relating to the volume of the liquid phase set out in point 2.3 of the Annex;
  - (iii) complies with the special provision set out in points 3, 4 and 5 of the Annex in the case of metal, glass and plastic dispensers respectively;
  - (iv) meets the tests specified in point 6.1.1 of the Annex in the case of empty containers;
  - (v) meets the test specified in point 6.1.2 and 6.1.3 of the Annex in the case of empty metal and protected glass dispensers respectively; and
  - (vi) satisfies one of the following paragraphs—

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(1) [S.I. 2009/2824](#); they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by [S.I. 2019/696](#), [S.I. 2021/1273](#) and [S.I. 2022/1393](#); there are other amending instruments but none is relevant.

- (aa) it meets the test methods specified in point 6.1.4.1(a) of the Annex and the dispenser is not of a type referred to in point 6.1.4.2 of the Annex;
  - (bb) it meets the test method specified in point 6.1.4.1(b) of the Annex and the dispenser is not of a type referred to in point 6.1.4.2 of the Annex;
  - (cc) it meets the test method specified in point 6.1.4.1(c) of the Annex;
  - (c) the person responsible for the marketing of the relevant aerosol dispenser has complied with the obligations set out after the heading to point 2 (general provisions) and immediately before point 2.1 in the Annex.
- (6) The requirements referred to in paragraph (3) are that—
- (a) the relevant aerosol dispenser—
    - (i) complies with the requirements of Article 8(1) (or where permitted by that Article, its label complies with those requirements);
    - (ii) complies with the requirements of Article 8(1a);
    - (iii) bears, or where permitted by Article 8(1), has on its label the information required by Article 8(1)(d) and 8(1a) prepared in or translated into English; and
  - (b) the person responsible for the marketing of the relevant aerosol dispenser has affixed the symbol “3” (inverted epsilon) in accordance with Article 3.”.