
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Aerosol Dispensers (EEC Requirements) Regulations 1977 (“the principal Regulations”). They implement the amendments made by Commission Directive [94/1/EC](#) (O.J. No. L23, 28.1.1994, p. 28) to Council Directive [75/324/EEC](#) (O.J. No. L147, 9.6.1975, p. 40) relating to aerosol dispensers (“the Aerosols Directive”).

The Regulations implement Commission Directive [94/1/EC](#) by amending the principal Regulations to provide that the reversed epsilon (that is the symbol “3”) is only to be applied to aerosol dispensers which (among other things) are marked with the information required by sections 2.2 and 2.3 of the Annex to the Aerosols Directive, as amended by Commission Directive [94/1/EC](#) (regulation 2(a)).

The Regulations also implement Commission Directive [94/1/EC](#) by providing that an aerosol dispenser which is not marked with the information required by sections 2.2(b) or 2.3(b) of the Annex to the Aerosols Directive may still be marked with the reversed epsilon if (i) the person responsible for marketing it has test results or other data showing that its contents, even though they may be flammable, do not present any risk of ignition under normal or reasonably foreseeable conditions of use, (ii) the dispenser or a label attached to it is marked with a statement in the specified form of the quantity of flammable material contained in it and (iii) the person responsible for marketing the dispenser keeps a copy of the relevant test results or other data and provides a copy to a competent authority on request (regulation 2(h)).

The Regulations also disapply the requirement in the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 and the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 that aerosol dispensers containing substances or preparations which are required to be labelled with the indication of danger “extremely flammable” or “highly flammable” must carry a tactile warning of danger (regulation 2(h)).

A Compliance Cost Assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from the Consumer Affairs and Competition Policy Directorate of the Department of Trade and Industry, Room 4.D.2, 1 Victoria Street, London SW1H 0ET.