

SCHEDULE 13

Amendment of the Aerosol Dispensers Regulations 2009

Insertion of regulation 5A

7. After regulation 5 insert—

“Obligations which 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 of or the Annex to the Directive.

(2) Paragraph (3) sets out the requirements which must be complied with under regulation 5 in order to mark an aerosol dispenser with the symbol “3” (inverted epsilon).

(3) The requirements referred to in paragraph (2) are that—

(a) the aerosol dispenser is a relevant aerosol dispenser; and

(b) the relevant aerosol dispenser—

(i) complies with the obligations of Article 8(1) (or where permitted by that Article, where 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 (unless it is unlikely that the aerosol dispenser will be used in the United Kingdom);

(iv) complies with the general provisions relating to construction set out in point 2.1 of the Annex;

(v) complies with the provisions relating to the volume of the liquid phase set out in point 2.3 of the Annex;

(vi) 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;

(vii) meets the tests specified in point 6.1.1 of the Annex in the case of empty containers;

(viii) 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

(ix) satisfies one of the following paragraphs—

(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; and

(c) the person responsible for the marketing of the relevant aerosol dispenser—

(i) has affixed the symbol “3” (inverted epsilon) in accordance with Article 3; and

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- (ii) has complied with the obligations set out after the heading to point 2 (general provisions) and immediately before point 2.1 of the Annex.”.