



STATUTORY INSTRUMENTS.

S.I. No. 560 of 2025

EUROPEAN COMMUNITIES (AEROSOL DISPENSERS) (AMENDMENT)
REGULATIONS 2025

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I, Peter Burke, Minister for Enterprise, Tourism and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019¹ hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Aerosol Dispensers) (Amendment) Regulations 2025.

2. In these Regulations, “Principal Regulations” means the European Communities (Aerosol Dispensers) Regulations 1977 (S.I. No. 144 of 1977).

3. Regulation 2 of the Principal Regulations is amended -

(a) in paragraph (1) by the insertion of the following definition:

“ ‘Market Surveillance Regulation’ means Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019¹ on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011;”,
and

(b) by the insertion of the following paragraph after paragraph (2):

“(3) A word or expression that is used in these Regulations and that is also used in the Market Surveillance Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Market Surveillance Regulation.”.

4. The Principal Regulations are amended by the insertion of the following Regulation after Regulation 6:

“6A. (1) An authorised officer shall, for the purpose of enforcement of the Market Surveillance Regulation and these Regulations, have the power to do one or more of the following -

(a) require economic operators to provide relevant documents, technical specifications, data or information on compliance and technical aspects of the product, including access to embedded software

¹ OJ L 169, 25.6.2019, p.1

in so far as such access is necessary for the purpose of assessing the product's compliance with applicable Union harmonisation legislation, in any form or format and irrespective of the medium of storage or the place where such documents, technical specifications, data or information are stored, and to take or obtain copies thereof,

- (b) require economic operators to provide relevant information on the supply chain, on the details of the distribution network, on quantities of products on the market and on other product models that have the same technical characteristics as the product in question, where relevant for compliance with the applicable requirements under Union harmonisation legislation,
- (c) require economic operators to provide relevant information required for the purpose of ascertaining the ownership of websites, where the information in question is related to the subject matter of the investigation,
- (d) carry out unannounced on-site inspections and physical checks of products,
- (e) enter any premises, land or means of transport that the economic operator in question uses for purposes related to the economic operator's trade, business, craft or profession, in order to identify non-compliance and to obtain evidence,
- (f) start investigations on his or her own initiative in order to identify non-compliances and bring them to an end,
- (g) require economic operators to take appropriate action to bring an instance of non-compliance to an end or to eliminate the risk,
- (h) take appropriate measures where an economic operator fails to take appropriate corrective action or where the non-compliance or the risk persists, including the power to prohibit or restrict the making available of a product on the market or to order that the product is withdrawn or recalled,
- (i) acquire product samples, including under a cover identity, to inspect those samples and to reverse-engineer them in order to identify non-compliance and to obtain evidence,
- (j) where no other effective means are available to eliminate a serious risk –

- (i) to require the removal of content referring to the related products from an online interface or to require the explicit display of a warning to end users when they access an online interface, or
 - (ii) where a request according to subparagraph (i) has not been complied with, to require information society service providers to restrict access to the online interface, including by requesting a relevant third party to implement such measures,
- (k) cause any aerosol dispenser or any article or substance used in the manufacture of an aerosol dispenser found at or in any premises which appears to the authorised officer to present a serious risk to be destroyed or otherwise rendered inoperable where deemed necessary by the officer, or subjected to any process or test and where an authorised officer proposes to exercise this power in the case of an aerosol dispenser or an article or substance used in the manufacture of an aerosol dispenser found at or in any premises, the authorised officer shall, if so requested by a person who at the time is present at or in and has responsibilities in relation to that premises, and if it is practicable and safe to do so, cause anything which is to be done by virtue of that power to be done in the presence of that person, and
- (l) take possession, in relation to any aerosol dispenser or any article or substance used in the manufacture of an aerosol dispenser found at a premises in accordance with subparagraph (k), and detain it for so long as is necessary for all or any of the following purposes:
 - (i) to examine or arrange for the examination of it and do to it anything which he or she has power to do under subparagraph (k);
 - (ii) to ensure that it is not tampered with before the examination of it is completed;
 - (iii) to ensure that it is available for use as evidence in any proceedings.
- (2) An authorised officer may use any information, document, finding, statement, or any intelligence as evidence for the purpose of his or her investigations, irrespective of the format in which and medium on which they are stored.
- (3) Before exercising the power conferred by paragraph (1)(l), in the case of any aerosol dispenser, an authorised officer shall, in so far as it is reasonably practicable to do so, consult such persons as appear to him or her to be

appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he or she proposes to do under that power.

- (4) Where, under the power conferred by paragraph (1)(l), an authorised officer takes possession of any aerosol dispenser, article or substance found at or in any premises, the officer shall, if it is practicable for him or her to do so, take a sample thereof and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.
- (5) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant from the District Court under paragraph (8) authorising such entry.
- (6) Where an authorised officer, in the exercise of the officer's powers under these Regulations, is prevented from entering any premises, an application may be made to the District Court under paragraph (8) for a warrant authorising such entry.
- (7) An authorised officer, where he or she considers it necessary, may be accompanied by a member of An Garda Síochána when performing any powers conferred on an authorised officer under these Regulations.
- (8) If a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds for suspecting that there is information required by an authorised officer under these Regulations held on any premises or any part of any premises or there is an aerosol dispenser which an authorised officer requires to inspect for the purposes of these Regulations or the Market Surveillance Regulation or that such inspection is likely to disclose evidence of a contravention of these Regulations or the Market Surveillance Regulation, the judge may issue a warrant authorising an authorised officer, whether alone or accompanied by other authorised officers or members of An Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter, if need be by reasonable force, the premises and exercise all or any of the powers conferred on an authorised officer under these Regulations.
- (9) An application under paragraph (8) shall be made to the judge of the District Court in whose District Court district the premises is situated.
- (10) A person shall not -
 - (a) obstruct or interfere with an authorised officer in the exercise of the officer's powers under this Regulation,

- (b) without reasonable excuse fail to comply with a request from an authorised officer under this Regulation, or
- (c) make a statement to such officer which the person knows is false or misleading.”.

5. The Principal Regulations are amended by the insertion of the following Regulation after Regulation 9:

- “10. A person who contravenes Regulation 6A(10) commits an offence and shall be liable -
- (a) on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 2 months or both, or
 - (b) on conviction on indictment to a fine not exceeding €60,000 or imprisonment for a term not exceeding 18 months or both.”.



GIVEN under my Official Seal,
27 November, 2025.

PETER BURKE,
Minister for Enterprise, Tourism and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the European Communities (Aerosol Dispensers) Regulations 1977 (S.I. No. 144 of 1977) giving full effect to Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 .

These Regulations will amend the Principle Regulations by clarifying obligations on the part of economic operators as well as enhancing market surveillance through the increased powers of enforcement on the part of authorised officers.

The Regulations aim to ensure that only compliant and safe aerosol dispensers are made available on the EU market and that appropriate corrective measures are taken where risks or non-compliance are identified.

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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

€ 3.00

ISBN 978-1-3993-5187-4



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