

AerD: Aerosol Dispensers Directive (Council Directive 75/324/EEC), explained

The Aerosol Dispensers Directive harmonises construction, filling, testing, flammability classification and labelling of aerosol dispensers from 50 ml, and requires the marketer to affix the inverted epsilon conformity symbol. Transposed by 21 November 1976, it was amended by Directive (EU) 2016/2037, whose 15 bar limit for compressed non-flammable propellants applies since 12 February 2018.

Reviewed 24 September 2026 by Conphora compliance team · Next review 14 March 2027 · Not legal advice

Key facts

Reference	Council Directive 75/324/EEC	Act type	Directive
In force	21 May 1975	Applies from	21 November 1976
Amended by	Directive 94/1/EC, Regulation (EC) No 807/2003, Directive 2008/47/EC, Regulation (EC) No 219/2009, Directive 2013/10/EU, Directive (EU) 2016/2037	Enforced by	National market surveillance authorities enforce the national laws transposing the directive with the powers of Regulation (EU) 2019/1020, which lists Council Directive 75/324/EEC in its Annex I (point 4) and Annex II; in Denmark the rules are executive order nr. 247 of 14 March 2014 on the construction of aerosols (as amended, most recently by nr. 1336 of 29 November 2017) and the product act, LBK nr. 22 of 8 January 2026, whose section 2(1) no. 8 covers the aerosol directive, and the control authority is Erhvervsstyrelsen, into which Sikkerhedsstyrelsen was merged in January 2026 as the department Markedsovervågning (Sikkerhedsstyrelsen took aerosol dispensers over from Arbejdstilsynet on 1 December 2018).

Key dates

20 May 1975	Council Directive 75/324/EEC adopted; published in OJ L 147 of 9 June 1975	title and signature block
21 May 1975	Notified to the Member States and in force; the transposition period of 18 months runs from this date	Art. 11(1) and the dates in the document information
21 November 1976	Deadline for Member States to bring into force the provisions necessary to comply with the directive	Art. 11(1) and the dates in the document information
17 February 1994	Directive 94/1/EC in force: flammability labelling and the Article 9a derogation for contents with no ignition risk (all later replaced); transposition by 1 October 1994, application from 1 April 1995	Art. 2 and Art. 3
29 April 2008	Directive 2008/47/EC in force: hazard analysis, the new flammability classification and tests, the 90 % liquid-phase limit, the 12 bar and 13,2 bar pressure limits and alternative final tests; transposition by 29 October 2009	Art. 2 and Art. 3
29 April 2010	National measures transposing Directive 2008/47/EC apply	Art. 2(1)
9 April 2013	Directive 2013/10/EU in force: labelling aligned to the CLP Regulation (EC) No 1272/2008; transposition by 19 March 2014	Art. 3(1) and Art. 4
19 June 2013	CLP-aligned labelling applies to aerosol dispensers containing a substance	Art. 3(1)
1 June 2015	CLP-aligned labelling applies to aerosol dispensers containing mixtures; mixtures placed on the market before this date need not be relabelled until 1 June 2017	Art. 2 and Art. 3(1)
12 December 2016	Directive (EU) 2016/2037 in force: 15 bar limit at 50 °C for compressed or dissolved non-flammable propellants and labelling wording aligned to the CLP aerosol categories; transposition by 12 December 2017	Art. 2(1) and Art. 3
12 February 2018	National measures transposing Directive (EU) 2016/2037 apply in all Member States; this is the date of the current consolidated text	Art. 2(1)
16 July 2021	Regulation (EU) 2019/1020 on market surveillance applies; Council Directive 75/324/EEC is listed in its Annex I (point 4) and Annex II	Art. 44, Annex I, point 4, and Annex II

Obligations by role

Person responsible for the marketing of the aerosol dispenser

- Analyse the hazards of your aerosol dispensers, including where appropriate the risk from inhaling the spray under normal and reasonably foreseeable use taking droplet size distribution and the physical and chemical properties of the contents into account, and design, construct and test the dispenser and draft any special statements on its use on the basis of that analysis. *Annex, point 2*
- Build the filled dispenser so that it complies with the Annex under normal conditions of use and storage, with a valve that seals the dispenser virtually hermetically and is protected, for example by a cap, against unintentional opening and deterioration, and with a mechanical resistance that the contents cannot impair even in prolonged storage. *Annex, points 2.1.1 to 2.1.3*
- Keep within the capacity, test-pressure and filling limits for the container material: metal up to 1 000 ml with a test pressure of at least 10 bar (or 50 % above the internal pressure at 50 °C where that pressure is 6,7 bar or more) and a pressure at 50 °C of at most 12 bar, 13,2 bar or 15 bar depending on the propellant; protected glass up to 220 ml and unprotected glass up to 150 ml with the test pressures and filling pressures of points 4.1 and 4.2; plastic treated as protected or unprotected glass; and a liquid phase at 50 °C of at most 90 % of the net capacity. *Annex, points 2.3, 3.1, 3.1.1, 3.1.2, 4.1, 4.2, 5.1 and 5.2*
- Guarantee the tests of point 6.1: the hydraulic test on empty containers, a bursting pressure for empty metal containers at least 20 % above the test pressure, the dropping test for protected glass, and a final inspection of every filled dispenser by the hot water bath test or an approved hot or cold alternative method, rejecting any dispenser with visible permanent distortion or a leak. *Annex, points 6.1.1 to 6.1.4*
- If you use an alternative hot or cold final test instead of the water bath, apply to a competent authority for approval with a technical file describing the method, and keep the approval, the technical file (in an official Union language or as a certified copy) and any control reports readily available at the address given on the label. *Annex, point 6.1.4.3*
- If you use an alternative hot or cold final test instead of the water bath, apply to a competent authority for approval of the method, with a technical file describing it. *Annex, point 6.1.4.3*
- Keep the approval, the technical file on the alternative final test (in an official Union language or as a certified copy) and any control reports readily available at the address given on the label.

Annex, point 6.1.4.3

- Classify each aerosol as non-flammable, flammable or extremely flammable from its chemical heat of combustion and the mass content of flammable components, running the ignition distance, enclosed space or foam flammability test of point 6.3 where the thresholds of point 1.9 do not settle the class, and where you rely on the heat of combustion describe the method used in a document available in an official Union language at the label address. *Annex, points 1.8, 1.9, 1.10 and 6.3*
- Mark each dispenser, or a label attached to it where the dispenser holds 150 ml or less, visibly, legibly and indelibly with your name and address or trade mark, the '3' (inverted epsilon) symbol, code markings identifying the filling batch, the net contents by weight and by volume, and the point 2.2 label elements: the signal word and CLP label elements for Aerosols Category 1, 2 or 3 according to the flammability class, P102 for consumer products and any additional operating precautions, which separate instructions for use must repeat; where the contents contain flammable components without the aerosol being classified flammable, state 'X % by mass of the contents are flammable'.

Art. 3, Art. 8(1), Art. 8(1a) and Annex, point 2.2

- Mark each dispenser, or a label attached to it where it holds 150 ml or less, visibly, legibly and indelibly with the name and address or trade mark of the person responsible for marketing it. *Art. 8(1)(a)*
- Affix the '3' (inverted epsilon) symbol to each dispenser, visibly, legibly and indelibly, to certify that it conforms to the directive and its Annex. *Art. 3 and Art. 8(1)(b)*

- Mark each dispenser with code markings that identify its filling batch. Art. 8(1)(c)
- Mark each dispenser with its net contents by weight and by volume. Art. 8(1)(e)
- Label each dispenser with the point 2.2 elements: the signal word and CLP elements for Aerosols Category 1, 2 or 3 by flammability class, P102 for consumer products and any extra operating precautions, repeated in separate instructions; where flammable components do not make the aerosol flammable, state 'X % by mass of the contents are flammable'. Art. 8(1)(d), Art. 8(1a) and Annex, point 2.2
- Use the language or languages a Member State requires for the label wording and never use markings or inscriptions that might be confused with the '3' symbol; in Denmark the marking must be in Danish.

Art. 8(2) and Art. 9; § 5

Manufacturer or filler of the aerosol dispenser

- Make containers that withstand the hydraulic test pressure for 25 seconds without leakage or, for metal and plastic, visible or permanent distortion beyond the slight symmetrical distortion point 6.1.1.2 allows, and reject metal containers with asymmetrical or major distortions.
- For protected glass containers, ensure the plastic or other coating prevents flying glass particles when the filled dispenser at 20 °C is dropped from 1,8 m onto a concrete floor, and verify it by the dropping test. Annex, points 4.1.2 and 6.1.3
- Fill so that the pressure at 50 °C and the liquid phase stay within the limits for the container and propellant, and apply code markings that let the filling batch be identified, since Member States may test five containers from a homogeneous batch of 2 500 or one hour's production and declare the whole batch unsuitable if a retest fails. Art. 8(1)(c) and Annex, points 2.3, 3.1.2, 4.1.4, 4.2.3, 6.2.1 and 6.2.2
- Fill so that the pressure at 50 °C and the liquid phase stay within the limits for the container and propellant; Member States may test five containers from a homogeneous batch of 2 500 or one hour's production and declare the whole batch unsuitable if a retest fails.

Annex, points 2.3, 3.1.2, 4.1.4, 4.2.3, 6.2.1 and 6.2.2

- Apply code markings to each dispenser that let the filling batch be identified. Art. 8(1)(c)
- Carry out the final inspection of every filled dispenser by the hot water bath or an approved alternative and, where the contents change their pressure characteristics after filling and before first use, apply a cold final test method. Annex, points 6.1.4.1 and 6.1.4.2
- If you market the dispenser under your own name and address or trade mark, you are the person responsible for marketing and must affix the '3' symbol and carry every duty of that role.

Art. 3 and Art. 8(1)(a) and (b)

Importer

- Where your name and address or trade mark go on the dispenser, you are the person responsible for marketing: affix the '3' symbol only after the hazard analysis, construction rules, tests, flammability classification and labelling of the Annex have been met, and be able to show that at the label address. Art. 3, Art. 8(1)(a) and Annex, points 1.10, 2, 6.1 and 6.1.4.3
- Where your name and address or trade mark go on the dispenser, you are the person responsible for marketing it and carry every duty of that role. Art. 3 and Art. 8(1)(a)
- Affix the '3' symbol only after the hazard analysis, construction rules, tests, flammability classification and labelling of the Annex have been met, and be able to show that at the address on the label. Art. 3, Art. 8(1)(b) and Annex, points 1.10, 2, 6.1 and 6.1.4.3
- Check before import that the dispensers respect the 50 ml minimum and the capacity limit for the material, the pressure and liquid-phase limits and the final inspection, and that the label carries the '3' symbol, the batch code, the net contents by weight and by volume and the CLP-based hazard elements for the flammability class. Art. 1, Art. 8(1) and Annex, points 2.2, 2.3, 3, 4, 5 and 6.1.4
- Have the label wording in the language each Member State of sale requires, in Denmark Danish, and make sure nothing on the dispenser could be confused with the '3' symbol. Art. 8(2) and Art. 9; § 5
- Cooperate with market surveillance under Regulation (EU) 2019/1020, which covers the directive through its Annex I, and take the corrective action, withdrawal or recall the authority requires; a compliant dispenser found to present a hazard can be provisionally banned or made subject to special conditions under the safeguard clause. Art. 16 and Annex I, point 4; Art. 10

Distributor (wholesaler or retailer)

- Supply only dispensers that bear the '3' symbol, the name and address or trade mark of the person responsible for marketing, the batch code, the net contents and the flammability label elements; in Denmark aerosols may be made available on the market only if they meet Annex 1 of the executive order and the marking is in Danish. § 3, § 4 and § 5; Art. 8(1)
- Do not add markings or inscriptions that might be confused with the '3' symbol. Art. 9; § 5, stk. 2
- Follow the market surveillance authority's decisions, orders and prohibitions: in Denmark a fine applies to anyone who breaches § 4 or § 5 of the executive order or its Annex 1 or fails to comply with an order or prohibition issued under it, and legal persons can be held criminally liable. § 8; Art. 16
- Where a dispenser you supplied turns out to be non-compliant or hazardous, cooperate with the corrective action, withdrawal or recall required under Regulation (EU) 2019/1020 and the Danish product act. Art. 16; § 2, stk. 1, nr. 8, and § 9

Penalties

The directive itself contains no penalty article: it obliges Member States to prevent markings that could be confused with the '3' symbol and gives them a safeguard clause under which a Member State that finds, on a substantiated basis, that compliant aerosol dispensers present a hazard to safety or health may provisionally prohibit their sale or make it subject to special conditions, informing the other Member States and the Commission, which consults within six weeks and may adopt technical adaptations. Enforcement otherwise runs through Regulation (EU) 2019/1020, which lists the directive in its Annex I and Annex II: authorities require corrective action to end non-compliance or remove the risk, prevent the product from being made available, or have it withdrawn or recalled, and Member States lay down effective, proportionate and dissuasive penalties for infringements of the listed legislation. In Denmark, executive order nr. 247 of 14 March 2014 on the construction of aerosols punishes with a fine anyone who breaches its § 4 or § 5 or Annex 1 or fails to comply with an order or prohibition under it, with corporate criminal liability, and the product act (LBK nr. 22 of 8 January 2026), which covers the aerosol directive in § 2(1) no. 8 and names Erhvervsstyrelsen as the control authority in § 9, provides in § 37 for fines and, for product areas including aerosols, imprisonment of up to 2 years in aggravating circumstances such as danger to safety or health, an accident with serious injury or death, repeat offences or systematic breaches for financial gain. Art. 9 and Art. 10; Art. 16, Art. 41, Annex I, point 4, and Annex II; § 8; § 2, § 9 and § 37

Checklist

- 1. Confirm the product is an aerosol dispenser: a non-reusable metal, glass or plastic container with a compressed, liquefied or dissolved gas and a release device, with a maximum capacity of 50 ml or more and within the limit for its material, 1 000 ml metal, 220 ml protected glass, 150 ml unprotected glass (Articles 1 and 2, Annex points 3.1, 4.1.1, 4.2.1, 5.1 and 5.2).
- 2. Decide who is the person responsible for marketing, the name and address on the can, and make sure that person owns the hazard analysis, the tests and the '3' symbol (Articles 3 and 8(1)(a)).
- 3. Carry out and document the hazard analysis, including inhalation risk where the spray and contents warrant it, and let it drive the design, construction, tests and any special statements on use (Annex point 2).
- 4. Verify the container against the test pressure, bursting pressure, filling pressure and the 90 % liquid-phase limit for the material and propellant, using the 12, 13,2 or 15 bar limit at 50 °C for metal dispensers (Annex points 2.3, 3.1 to 3.1.2, 4.1, 4.2 and 5).
- 5. Run the hydraulic, bursting and dropping tests as applicable and the final inspection of every filled dispenser by the hot water bath, or obtain competent-authority approval for an alternative hot or cold method and keep the approval and technical file at the label address (Annex points 6.1.1 to 6.1.4).
- 6. Classify the aerosol as non-flammable, flammable or extremely flammable from the heat of combustion and the mass of flammable components, with the ignition distance, enclosed space or foam test where needed, and document the heat-of-combustion method (Annex points 1.8 to 1.10 and 6.3).
- 7. Design the label: name and address or trade mark, '3' symbol, batch code, net contents by weight and by volume, the CLP signal word and label elements for Aerosols Category 1, 2 or 3, P102 for consumer products, any additional operating precautions, and the 'X % by mass of the contents are flammable' statement where relevant; use a label for dispensers of 150 ml or less (Article 8(1) and (1a), Annex point 2.2).
- 8. Translate the label wording into the language each Member State of sale requires, Danish in Denmark, and repeat the operating precautions in any separate instructions (Article 8(2), Annex point 2.2(e), executive order nr. 247/2014 § 5).
- 9. Check that no other marking on the dispenser resembles the '3' symbol and that the CLP classification of the contents is consistent with the aerosol class shown (Article 9, Article 8(1)).
- 10. Set up batch traceability and a procedure for corrective action, withdrawal or recall so you can respond to a safeguard measure or a market surveillance order (Article 8(1)(c), Article 10, Regulation (EU) 2019/1020 Article 16).

Sources

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