

Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

### SECTION III

#### MISCELLANEOUS PROVISIONS

##### *Article 9*

##### **Prohibitions**

1 To prevent the exposure of workers to health risks from certain chemical agents and/or certain activities involving chemical agents, the production, manufacture or use at work of the chemical agents and the activities set out in Annex III shall be prohibited to the extent specified therein.

2 Member States may permit derogations from requirements of paragraph 1 in the following circumstances:

- for the sole purpose of scientific research and testing, including analysis,
- for activities intended to eliminate chemical agents that are present in the form of by-products or waste products,
- for the production of the chemical agents referred to in paragraph 1 for use as intermediates, and for such use.

The exposure of workers to chemical agents referred to in paragraph 1 must be prevented, in particular by providing that the production and earliest possible use of such chemical agents as intermediates must take place in a single closed system, from which the aforesaid chemical agents may be removed only to the extent necessary to monitor the process or service the system.

Member States may provide for systems of individual authorisations.

3 When derogations are permitted pursuant to paragraph 2, the competent authority shall request the employer to submit the following information:

- the reason for requesting the derogation,
- the quantity of the chemical agent to be used annually,
- the activities and/or reactions or processes involved,
- the number of workers liable to be involved,
- the precautions envisaged to protect the safety and health of workers concerned,
- the technical and organisational measures taken to prevent the exposure of workers.

4 The Council, in accordance with the procedure laid down in Article 118a of the Treaty, may amend the list of prohibitions under paragraph 1 of this Article, to include further chemical agents or activities.