

Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (codified version) (Text with EEA relevance)

[^{XI}CHAPTER II

EMPLOYERS' OBLIGATIONS

[^{XI}Article 5

Prevention and reduction of exposure

- 1 Where the results of the assessment referred to in Article 3(2) reveal a risk to workers' health or safety, workers' exposure must be prevented.
- 2 Where it is not technically possible to replace the carcinogen or mutagen by a substance, [^{F1}mixture] or process which, under its conditions of use, is not dangerous or is less dangerous to health or safety, the employer shall ensure that the carcinogen or mutagen is, in so far as is technically possible, manufactured and used in a closed system.
- 3 Where a closed system is not technically possible, the employer shall ensure that the level of exposure of workers is reduced to as low a level as is technically possible.
- 4 Exposure shall not exceed the limit value of a carcinogen as set out in Annex III.
- 5 Wherever a carcinogen or mutagen is used, the employer shall apply all the following measures:
 - a limitation of the quantities of a carcinogen or mutagen at the place of work;
 - b keeping as low as possible the number of workers exposed or likely to be exposed;
 - c design of work processes and engineering control measures so as to avoid or minimise the release of carcinogens or mutagens into the place of work;
 - d evacuation of carcinogens or mutagens at source, local extraction system or general ventilation, all such methods to be appropriate and compatible with the need to protect public health and the environment;
 - e use of existing appropriate procedures for the measurement of carcinogens or mutagens, in particular for the early detection of abnormal exposures resulting from an unforeseeable event or an accident;
 - f application of suitable working procedures and methods;
 - g collective protection measures and/or, where exposure cannot be avoided by other means, individual protection measures;
 - h hygiene measures, in particular regular cleaning of floors, walls and other surfaces;
 - i information for workers;
 - j demarcation of risk areas and use of adequate warning and safety signs including 'no smoking' signs in areas where workers are exposed or likely to be exposed to carcinogens or mutagens;
 - k drawing up plans to deal with emergencies likely to result in abnormally high exposure;

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- l means for safe storage, handling and transportation, in particular by using sealed and clearly and visibly labelled containers;
- m means for safe collection, storage and disposal of waste by workers, including the use of sealed and clearly and visibly labelled containers.]

Editorial Information

- X1** Substituted by [Corrigendum to Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work \(Sixth individual Directive within the meaning of Article 16\(1\) of Council Directive 89/391/EEC\) \(codified version\) \(Official Journal of the European Union L 158 of 30 April 2004\)](#).

Textual Amendments

- F1** Substituted by [Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation \(EC\) No 1272/2008 on classification, labelling and packaging of substances and mixtures](#).