

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)

### [<sup>XI</sup>CHAPTER III

#### MISCELLANEOUS PROVISIONS

##### *Article 14*

##### **Health surveillance**

1 The Member States shall establish, in accordance with national laws and/or practice, arrangements for carrying out relevant health surveillance of workers for whom the results of the assessment referred to in Article 3(2) reveal a risk to health or safety.

2 The arrangements referred to in paragraph 1 shall be such that each worker shall be able to undergo, if appropriate, relevant health surveillance:

- prior to exposure,
- at regular intervals thereafter.

Those arrangements shall be such that it is directly possible to implement individual and occupational hygiene measures.

3 If a worker is found to be suffering from an abnormality which is suspected to be the result of exposure to carcinogens or mutagens, the doctor or authority responsible for the health surveillance of workers may require other workers who have been similarly exposed to undergo health surveillance.

In that event, a reassessment of the risk of exposure shall be carried out in accordance with Article 3(2).

4 In cases where health surveillance is carried out, an individual medical record shall be kept and the doctor or authority responsible for health surveillance shall propose any protective or preventive measures to be taken in respect of any individual workers.

5 Information and advice must be given to workers regarding any health surveillance which they may undergo following the end of exposure.

6 In accordance with national laws and/or practice:

- workers shall have access to the results of the health surveillance which concern them, and
- the workers concerned or the employer may request a review of the results of the health surveillance.

7 Practical recommendations for the health surveillance of workers are given in Annex II.

8 All cases of cancer identified in accordance with national laws and/or practice as resulting from occupational exposure to a carcinogen or mutagen shall be notified to the competent authority.

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*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.*

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### *Article 15*

#### **Record keeping**

1 The list referred to in point (c) of Article 12 and the medical record referred to in Article 14(4) shall be kept for at least 40 years following the end of exposure, in accordance with national laws and/or practice.

2 Those documents shall be made available to the responsible authority in cases where the undertaking ceases activity, in accordance with national laws and/or practice.

### *Article 16*

#### **Limit values**

1 The Council shall, in accordance with the procedure laid down in Article 137(2) of the Treaty, set out limit values in Directives on the basis of the available information, including scientific and technical data, in respect of all those carcinogens or mutagens for which this is possible, and, where necessary, other directly related provisions.

2 Limit values and other directly related provisions are set out in Annex III.

### *Article 17*

#### **Annexes**

1 Annexes I and III may be amended in accordance only with the procedure laid down in Article 137(2) of the Treaty.

2 Purely technical adjustments to Annex II in the light of technical progress, changes in international regulations or specifications and new findings in the field of carcinogens or mutagens shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

### *Article 18*

#### **Use of data**

The Commission shall have access to the use made by the competent national authorities of the information referred to in Article 14(8).

### *Article 19*

#### **Notifying the Commission**

Member States shall communicate to the Commission the provisions of national law which they adopt in the future in the field governed by this Directive.

## Article 20

### Repeal

Directive 90/394/EEC, as amended by the Directives referred to in Annex IV, Part A of this Directive is repealed, without prejudice to the obligations of the Member States concerning the time limits for transposition set out in Annex IV, Part B of this Directive.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

## Article 21

### Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

## Article 22

### Addressees

This Directive is addressed to the Member States.]

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#### 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\) \(codified version\) \(Official Journal of the European Union L 158 of 30 April 2004\)](#).