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COUNCIL DIRECTIVE 1999/38/EC

of 29 April 1999

amending for the second time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work and extending it to mutagens

(OJ L 138, 1.6.1999, p. 66)

Corrected by:

►**C1** Corrigendum, OJ L 37, 12.2.2000, p. 35 (1999/38)

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COUNCIL DIRECTIVE 1999/38/EC

of 29 April 1999

amending for the second time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work and extending it to mutagens

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 118a thereof,

Having regard to Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work (sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ([1]),

Having regard to the proposal from the Commission ([2]), submitted after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work,

Having regard to the opinion of the Economic and Social Committee ([3]),

Acting in accordance with the procedure referred to in Article 189c of the Treaty ([4]),

(1) Whereas Article 118a of the Treaty provides that the Council shall adopt, by means of Directives, minimum requirements for encouraging improvements, especially in the working environment, to guarantee a better level of protection of the safety and health of workers;

(2) Whereas, under the terms of that Article, such Directives are to avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings;

(3) Whereas germ cell mutagens are substances that can cause a permanent change in the amount or structure of the genetic material of a cell resulting in a change in the phenotypic characteristics of that cell, which may be transferred to descendent daughter cells;

(4) Whereas because of their mechanism of action germ cell mutagens are likely to have carcinogenic effects;

(5) Whereas vinyl chloride monomer is classified as a category 1 carcinogen under Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ([5]);

(6) Whereas, for the sake of consistency and clarity, the essential provisions of Council Directive 78/610/EEC of 29 June 1978 on the approximation of the laws, regulations and administrative provisions of the Member States on the protection of the health of workers exposed to vinyl chloride monomer ([6]) should be included in this Directive, without reducing the level of protection of the health and safety of workers;

([1]) OJ L 196, 26.7.1990, p. 1. Directive as amended by Directive 97/42/EC (OJ L 179, 8.7.1997, p. 4).
([2]) OJ C 123, 22.4.1998, p. 21.
([3]) OJ C 284, 14.9.1998, p. 111.
([4]) Opinion of the European Parliament of 22 October 1998 (OJ C 341, 9.11.1998, p. 134), Council Common Position of 22 December 1998 (OJ C 55, 25.2.1999, p. 39) and Decision of the European Parliament of 13 April 1999 (not yet published in the Official Journal).
([5]) OJ L 196, 16.8.1967, p. 1. Directive as last amended by Directive 97/69/EC (OJ L 343, 13.12.1997, p. 19).
([6]) OJ L 197, 22.7.1978, p. 12.