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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2334

of 29 November 2022

amending Implementing Regulation (EU) 2015/2447 as regards the application of monitoring of decisions relating to binding information and introducing a flexibility in the procedures for issuing of or making out proofs of origin

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Articles 25 and 66 thereof,

Whereas:

- (1) Article 20 of Commission Implementing Regulation (EU) 2015/2447 ⁽²⁾ sets out that when customs formalities are being fulfilled by or on behalf of the holder of a Binding Tariff Information (BTI) decision in respect of goods covered by a BTI decision, this shall be indicated in the customs declaration by stating the BTI decision reference number. The obligation to indicate the Binding Origin Information decision reference number in the customs declaration is only stipulated in Annex B to Commission Delegated Regulation (EU) 2015/2446 ⁽³⁾ as a note to data element 12 12 001 000.
- (2) To allow a proper monitoring by the customs authorities of the usage of a decision relating to binding origin information by its holder and of compliance with the obligations resulting from that decision, the requirement to indicate the reference number of the decision in the customs declaration, laid down in Article 20 of Implementing Regulation (EU) 2015/2447, should apply to all decisions relating to binding information.
- (3) During the first technical meeting on transitional rules of origin held in Brussels on 5 February 2020, the Union and 20 other Contracting Parties to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (the PEM Convention) ⁽⁴⁾ agreed to implement the revised rules of the PEM Convention ⁽⁵⁾ ('the transitional rules of origin') in parallel with the rules of the PEM Convention, on a transitional basis as of 1 September 2021, pending the adoption of the revised rules of the PEM Convention.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.⁽²⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).⁽³⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).⁽⁴⁾ OJ L 54, 26.2.2013, p. 4.⁽⁵⁾ OJ L 339, 30.12.2019, p. 1.

- (4) Since 1 September 2021, 13 bilateral protocols on rules of origin between the Union and Contracting Parties to the PEM Convention have already entered into force rendering the transitional rules applicable ^(*). The process of implementing the transitional rules with the remaining Contracting Parties is progressing, subject to the completion by the parties of the adoption procedures.
- (5) The objective of the transitional rules of origin is to introduce more relaxed rules in order to facilitate the qualification of the preferential originating status for goods. As the transitional rules of origin are in general more relaxed than those of the PEM Convention, goods fulfilling these latter could also qualify as originating under the transitional rules of origin, with the exception of some agricultural products classified under Chapters 2, 4 to 15, 16 (except for processed fishery products) and 17 to 24, where the transitional rules of origin are not more relaxed than the rules of origin of the PEM Convention. Therefore, Articles 61 and 62 should be amended to introduce the possibility for EU exporters to apply for the issue of a movement certificate or to make out an origin declaration based on supplier's declarations made in the context of the PEM Convention.
- (6) The transitional rules of origin are applicable in parallel with the rules of origin of the PEM Convention creating two distinctive zones of cumulation. Therefore, an indication of the legal framework used for determining the origin of goods should be made in the supplier's declaration by the supplier, allowing the exporter to determine the originating status of goods under the correct framework for those materials that are fulfilling both sets of rules of origin.
- (7) The supplier's declaration in Annexes 22-17 and 22-18 to Implementing Regulation (EU) 2015/2447 is used for products not having preferential originating status. Considering that those products may only be produced by using non-originating materials, it should be optional to fill in the second point of the declaration. Therefore, footnotes 4 and 5 of Annex 22-17 to Implementing Regulation (EU) 2015/2447 and footnotes 5 and 6 of Annex 22-18 should be amended accordingly.
- (8) According to Article 61(3) of the Implementing Regulation (EU) 2015/2447 suppliers may provide the supplier's declarations at any time even after the goods have been delivered and according to Article 62(2), point (b), of that Regulation, the long term supplier's declarations shall be made out for consignments dispatched during a period of time which may not be more than 12 months before or more than 6 months after the date of issue of long term supplier's declaration. In order to use supplier's declarations issued before the date of entry into force of this amending regulation for stocks of materials constituted after 1 September 2021, this Regulation should apply from 1 September 2021, the date of entering into force of the transitional rules of origin between the Union and several Contracting Parties to the PEM Convention.
- (9) Implementing Regulation (EU) 2015/2447 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2015/2447 is amended as follows:

- (1) Article 20 is replaced by the following:

'Article 20

Monitoring of decisions relating to binding information

^(*) OJ C 202, 19.5.2022, p. 1.

(Article 23(5) of the Code)

When customs formalities are being fulfilled by or on behalf of the holder of a decision relating to binding information in respect of goods covered by that decision, this shall be indicated in the customs declaration by stating the decision reference number.;

(2) in Article 61, the following paragraphs 1a and 1b are inserted:

'1a. In trade between the Contracting Parties to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (*) ('PEM Convention'), where two or more sets of rules of origin apply, the preferential origin of goods may be determined according to one or more sets of rules of origin.

Suppliers shall specify the legal framework used to determine the origin of the goods. Where such a legal framework is not specified, by default, the supplier's declaration shall be considered as stating that the PEM Convention has been used to determine the origin of the goods.

1b. For the purpose of trade between the Contracting Parties to the PEM Convention, the exporter may use the supplier's declarations as supporting documents to apply for the issue of a movement certificate or to make out an origin declaration in accordance with the transitional rules of origin (**) applicable in parallel with the PEM Convention rules of origin, when:

- (a) the supplier's declarations state the originating status in accordance with the PEM Convention rules of origin for products classified under Chapters 1, 3 and 16 (for processed fishery products) and 25 to 97 of the Harmonised System; and
- (b) there is no application of cumulation with Contracting Parties to the PEM Convention who are applying only the PEM Convention.

The exporter shall take all necessary steps to ensure that the conditions for issuing or making out a proof of origin according to a specific set of rules of origin are fulfilled.

(*) OJ L 54, 26.2.2013, p. 1.

(**) The transitional rules of origin are the revised rules of the PEM Convention (OJ L 339, 30.12.2019, p. 1) applicable in parallel with the current rules of the PEM Convention on a transitional basis pending the adoption of the revised rules of the PEM Convention.;

(3) in Article 62, the following paragraphs 1a and 1b are inserted:

'1a. In trade between the Contracting Parties to the PEM Convention, where two or more sets of rules of origin apply, the preferential origin of goods may be determined according to one or more sets of rules of origin.

Suppliers shall specify, the legal framework used to determine the origin of the goods. Where such a legal framework is not specified, by default, the supplier's declaration shall be considered as stating that the PEM Convention have been used to determine the origin of the goods.

1b. For the purpose of trade between the Contracting Parties to the PEM Convention, the exporter may use the supplier's declarations as supporting documents to apply for the issue of a movement certificate or to make out an origin declaration in accordance with the transitional rules of origin applicable in parallel with the PEM Convention, when:

- (a) the supplier's declarations state the originating status in accordance with the PEM Convention rules of origin for products classified under Chapters 1, 3 and 16 (for processed fishery products) and 25 to 97 of the Harmonised System; and
- (b) there is no application of cumulation with Contracting Parties to the PEM Convention who are applying only the PEM Convention.

The exporter shall take all necessary steps to ensure that the conditions for issuing or making out a proof of origin according to a specific set of rules of origin are fulfilled.;

(4) in Annex 22-15, footnote (3) is replaced by the following:

‘(3) Country, group of countries or territory concerned. When the preferential origin of a product from a country, group of countries or territory can be acquired in accordance with more than one rule of origin, the suppliers shall specify the legal framework used to determine the origin of the goods (namely the PEM Convention and/or the transitional rules of origin).

Where a country, group of countries or territory is a Contracting Party to the PEM Convention, and where a legal framework is not specified, by default, the supplier's declaration shall be considered as stating that the PEM Convention has been used to determine the origin of the goods.’;

(5) in Annex 22-16, footnote (5) is replaced by the following:

‘(5) Country, group of countries or territory concerned. When the preferential origin of a product from a country, group of countries or territory can be acquired in accordance with more than one rule of origin, the suppliers shall specify the legal framework used to determine the origin of the goods (namely the PEM Convention and/or the transitional rules of origin).

Where a country, group of countries or territory is a Contracting Party to the PEM Convention, and where a legal framework is not specified, by default, the supplier's declaration shall be considered as stating that the PEM Convention has been used to determine the origin of the goods.’;

(6) in Annex 22-17, footnote (4), is replaced by the following:

‘(4) To be completed only where relevant. The Union, country, group of countries or territory from which the materials originate.’;

(7) in Annex 22-17, footnote (5) is replaced by the following:

‘(5) To be completed only where relevant. Country, group of countries or territory concerned. When the preferential origin of a product from a country, group of countries or territory can be acquired in accordance with more than one rule of origin, the suppliers shall specify the legal framework used to determine the origin of the goods (namely the PEM Convention and/or the transitional rules of origin).

Where a country, group of countries or territory is a Contracting Party to the PEM Convention, and where a legal framework is not specified, by default, the supplier's declaration is considered as referring to the PEM Convention has been used to determine the origin of the goods.’;

(8) in Annex 22-18, footnote (5) is replaced by the following:

‘(5) To be completed only where relevant. The Union, country, group of countries or territory from which the materials originate.’;

(9) in Annex 22-18, footnote (6) is replaced by the following:

‘(6) To be completed only where relevant. Country, group of countries or territory concerned. When the preferential origin of a product from a country, group of countries or territory can be acquired in accordance with more than one rule of origin, the suppliers shall specify the legal framework used to determine the origin of the goods (namely the PEM Convention and/or the transitional rules of origin).

Where a country, group of countries or territory is a Contracting Party to the PEM Convention, and where a legal framework is not specified, by default, the supplier's declaration shall be considered as stating that the PEM Convention has been used to determine the origin of the goods.’;

Article 2

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

Article 1, points (2) to (9), shall apply from 1 September 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 November 2022.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COUNCIL DECISION (EU) 2022/2335

of 28 November 2022

amending Decision (EU) 2015/2169 on the conclusion of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, Article 100(2), Article 167(3) and Article 207, in conjunction with Article 218(6), point (a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 1 October 2015, the Council adopted Decision (EU) 2015/2169 ⁽¹⁾ on the conclusion of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part.
- (2) The Protocol on Cultural Cooperation (the 'Protocol') ⁽²⁾ annexed to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part ⁽³⁾ (the 'Agreement') sets up the framework within which the Parties are to cooperate for the facilitation of exchanges regarding cultural activities, goods and services, including in the audiovisual sector.
- (3) The Protocol includes provisions on an entitlement of audiovisual co-productions to benefit from the respective schemes of the Parties to the Agreement.
- (4) Pursuant to Article 5(8), point (b), of the Protocol, following the initial period of three years, the entitlement will be renewed for further successive periods of the same duration, unless a Party terminates the entitlement by giving notice in writing at least three months before the expiry of the initial or any subsequent period.
- (5) In accordance with Article 3(1) of Decision (EU) 2015/2169, the Commission is to provide notice to the Republic of Korea of the Union's intention not to extend the period of entitlement to co-production unless, on a proposal from the Commission, the Council unanimously agrees four months before the end of the period of entitlement to continue the entitlement.
- (6) In its judgement of 1 March 2022 in case C-275/20, *Commission v Council* ⁽⁴⁾, the Court of Justice decided that the procedure established in Article 3(1) of Decision (EU) 2015/2169 does not comply with Article 218 of the Treaty on the Functioning of the European Union (TFEU) insofar as it requires the Council to vote by unanimity. The applicable voting rule for the adoption of decisions such as those envisaged by Article 3(1) of Decision (EU) 2015/2169 should be that laid down in Article 218(8), first subparagraph, TFEU, namely qualified majority voting in the Council.
- (7) Therefore, the requirement that the Council act by unanimity for the purpose of deciding on the continuation of the entitlement should be deleted.

⁽¹⁾ Council Decision (EU) 2015/2169 of 1 October 2015 on the conclusion of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part (OJ L 307, 25.11.2015, p. 2).

⁽²⁾ OJ L 127, 14.5.2011, p. 1418.

⁽³⁾ OJ L 127, 14.5.2011, p. 6.

⁽⁴⁾ Judgment of the Court of Justice of 1 March 2022, *Commission v Council*, C-275/20, ECLI:EU:C:2022:142.

- (8) In accordance with Article 266 TFEU, in order to implement the judgement expeditiously, this Decision should enter into force on the date of its adoption,

HAS ADOPTED THIS DECISION:

Article 1

In Article 3(1) of Decision (EU) 2015/2169, the third sentence is deleted.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 28 November 2022.

For the Council
The President
V. BALAŠ

COMMISSION IMPLEMENTING DECISION (EU) 2022/2336**of 28 November 2022****on the publication of a list indicating certain CO₂ emissions values per manufacturer as well as average specific CO₂ emissions of all new heavy-duty vehicles registered in the Union pursuant to Regulation (EU) 2019/1242 of the European Parliament and of the Council for the reporting period of the year 2020***(notified under document C(2022) 8428)***(Only the Dutch, English, French, German, Italian and Swedish texts are authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and the Council and Council Directive 96/53/EC ⁽¹⁾, and in particular Article 11(1), first subparagraph, points (a), (b), (d) and (f) thereof,

Whereas:

- (1) The average specific CO₂ emissions of a manufacturer should be determined on the basis of data reported by Member States and manufacturers pursuant to Regulation (EU) 2018/956 of the European Parliament and of the Council ⁽²⁾ for vehicles of that manufacturer.
- (2) The average specific CO₂ emissions of all new heavy-duty vehicles registered in the Union should be based on those data reported for vehicles from all manufacturers.
- (3) The zero- and low-emission factor for each manufacturer should be determined taking into account the zero- and low-emission heavy-duty vehicles so reported.
- (4) The CO₂ emission reduction trajectory and the emission credits per manufacturer should be determined on the basis of the number of new heavy-duty vehicles excluding vocational vehicles so reported.
- (5) The data presented in the Annex to this Decision is based on the data available to the Commission on 1 August 2022.
- (6) The Commission may have to update the data published herein, should it receive additional data which would affect the results of those calculations,

⁽¹⁾ OJ L 198, 25.7.2019, p. 202.

⁽²⁾ Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles (OJ L 173, 9.7.2018, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

Average specific CO₂ emissions per manufacturer

The average specific CO₂ emissions per manufacturer, as referred to in Article 4 of Regulation (EU) 2019/1242, in the reporting period of the year 2020, are indicated in the second column of the table of the Annex to this Decision.

Article 2

Zero- and low-emission factor per manufacturer

The zero- and low-emission factor per manufacturer, as referred to in Article 5(1) of Regulation (EU) 2019/1242, in the reporting period of the year 2020, is indicated in the third column of the table of the Annex to this Decision.

Article 3

CO₂ emissions reduction trajectory and emissions credits per manufacturer

The CO₂ emissions reduction trajectory and the emission credits per manufacturer, as referred to in Article 7 of Regulation (EU) 2019/1242, in the reporting period of the year 2020, are indicated in the fourth and fifth columns, respectively, of the table of the Annex to this Decision.

Article 4

Average specific CO₂ emissions of all new heavy-duty vehicles

The average specific CO₂ emissions of all new heavy-duty vehicles registered in the Union in the reporting period of the year 2020, as calculated by applying the formula of Annex I, point 2.7, to Regulation (EU) 2019/1242 taking into account the new heavy-duty vehicles of all manufacturers, is: 52,46 g/tkm.

Article 5

This Decision is addressed to the following manufacturers:

- (1) DAIMLER TRUCK AG
Mercedesstr.120
70372 Stuttgart
Germany
- (2) DAF NV
P.O. box 90065
5602 PT Eindhoven
The Netherlands
- (3) Ford Otomotiv Sanayi AS
Akpınar Mah. Hasan Basri Cad No 2
34885 Sancaktepe Istanbul
Türkiye

- (4) Iveco Magirus-AG
Nicolaus-Otto-Straße 27
89079 Ulm
Germany
- (5) IVECO SPA
Via Puglia 35
10156 Torino
Italy
- (6) MAN TRUCK AND BUS SE
Dachauer Str 667
80995 Munich
Germany
- (7) RENAULT TRUCK SA
99 Route de Lyon
69802 Saint Priest
France
- (8) SCANIA CV AB
Vagnmakarvagen 1
15187 Södertälje
Sweden
- (9) VOLVO TRUCK CORPORATION
Herkulesgatan 75
40508 Göteborg
Sweden.

Done at Brussels, 28 November 2022.

For the Commission
Frans TIMMERMANS
Executive Vice-President

ANNEX

All entries refer to the reporting period of the year 2020 as defined in Article 3(3) of Regulation (EU) 2019/1242.

Manufacturer	Average specific CO ₂ emissions, as referred to in Article 4 of Regulation (EU) 2019/1242, in g/tkm	Zero- and low emission factor, as referred to in Article 5(1) of Regulation (EU) 2019/1242	CO ₂ emissions reduction trajectory, as referred to in Article 7 of Regulation (EU) 2019/1242, in g/tkm	Emission credits, as referred to in Article 7 of Regulation (EU) 2019/1242, in g/tkm
DAIMLER TRUCK AG	52,65	0,999	51,35	-
DAF NV	55,05	1,000	54,21	-
Iveco Magirus-AG	54,81	1,000	52,01	-
IVECO SPA	33,00	0,998	29,69	-
Ford Otomotiv Sanayi AS	55,09	1,000	51,28	-
MAN TRUCK AND BUS SE	50,79	0,998	50,83	1 011
RENAULT TRUCK SA	50,61	0,998	48,67	-
SCANIA CV AB	50,23	1,000	51,86	49 534
VOLVO TRUCK CORPORATION	53,53	0,999	52,79	-

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2022/2337

of 28 November 2022

concerning the European schedule of occupational diseases

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) With Commission Recommendation 2003/670/EC of 19 September 2003 concerning the European schedule of occupational diseases ⁽¹⁾, the Commission recommended to the Member States that they implement a series of measures with the objective of updating and improving various aspects of their policies relating to occupational diseases. These measures relate to the recognition of, compensation for, and prevention of occupational diseases, the setting of national objectives for the reduction of occupational illnesses, the reporting and recording of occupational diseases, the collection of data concerning the epidemiology of diseases, the promotion of research in the field of ailments linked to an occupational activity, the improvement of diagnosis of occupational diseases, the dissemination of statistical and epidemiological data on occupational diseases, and the promotion of an active role for national public health and healthcare systems in preventing occupational diseases.
- (2) The outbreak of COVID-19 has affected all Member States since early 2020, causing major disruptions to all sectors and services, and affecting the health and safety of workers across the European Union (EU). Today, the epidemiological situation in the EU linked to COVID-19 has improved, thanks mainly to the wide availability of vaccines, but it remains challenging, particularly in view of possible new waves of COVID-19 and the emergence of variants of the SARS-CoV-2 virus, as well as of long COVID cases.
- (3) In this context, the Commission, among other measures, announced, in its Communication 'EU strategic framework on health and safety at work 2021-2027 – Occupational safety and health in a changing world of work' ⁽²⁾ (the 'EU Strategic Framework'), that it would update Commission Recommendation 2003/670/EC to include COVID-19, with a view to promote the recognition of COVID-19 as an occupational disease by Member States and encourage convergence.
- (4) Following the adoption of the EU Strategic Framework, the Advisory Committee on Safety and Health at Work (ACSH) set up a dedicated Working Party with the mandate to prepare a draft opinion for adoption by the ACSH on the subject of the update of Commission Recommendation 2003/670/EC to include COVID-19. On 18 May 2022, the ACSH adopted the related opinion, which recommends the inclusion of COVID-19 in Annex I of Commission Recommendation 2003/670/EC by adding a new entry No 408 referring to COVID-19 caused by work in disease prevention, in health and social care and in domiciliary assistance, or, in a pandemic context, in sectors where there is an outbreak in activities in which a risk of infection has been proven.

⁽¹⁾ OJ L 238, 25.9.2003, p. 28.

⁽²⁾ COM(2021) 323 final.

- (5) The present Recommendation takes into account the opinion of the ACSH and inserts COVID-19 in Annex I of the Recommendation. The term 'health and social care' should be understood as referring to the economic activities under section Q of the NACE Rev. 2 statistical classification ⁽³⁾. As regards the economic activities apart from those falling under section Q of the NACE Rev. 2 statistical classification, the conditions laid down, i.e. the existence of a 'pandemic context' and the existence of an 'outbreak in activities in which a risk of infection has been proven', should be understood as being laid down cumulatively. In this regard, a 'pandemic context' should be understood as when competent international bodies, such as the World Health Organization (WHO), declare certain disease outbreaks a global pandemic. An 'outbreak' in the sense of the new provision of the Recommendation should be defined by Member States in accordance with national law or practice. A 'proven' risk of infection exists in activities for which, in accordance with national law or practice, a causal link has been established between work in these activities and increased exposure to SARS-CoV-2.
- (6) In line with the principle of subsidiarity and in view of the respective competences of the EU and of the Member States in the areas of public health and social policy under the Treaties, the determination of the public health measures to be taken in the context of any pandemic, including those applying to workplaces and companies, as well as the finding of the existence of an outbreak in activities in which a risk of infection has been proven, should be up to the Member States, acting in full compliance with EU law, including EU occupational safety and health legislation. In this context, account should be taken in particular of the Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU (2020/0322 (COD)) ⁽⁴⁾.
- (7) Eurostat's 2021 report 'Possibility of recognising COVID-19 as being of occupational origin at national level in EU and EFTA countries' ⁽⁵⁾ shows that most Member States recognise COVID-19 as an occupational disease or as an accident at work, in line with the conditions defined at national level.
- (8) Even though the recognition of occupational diseases is a matter closely linked to the design of social security systems, which is a Member State competence, the Commission promotes the recognition of occupational diseases listed in the European schedule of occupational diseases by Member States. As stated in the EU Strategic Framework, there remains a need to increase focus on occupational diseases. In line with the general principles of prevention which form the core of the 1989 Framework Directive on Safety and Health at Work ⁽⁶⁾ and the related health and safety at work directives, this Recommendation should be a principal instrument for the prevention of occupational diseases at EU level. Moreover, it is also important to support workers infected, especially by Covid-19, and families who have lost family members because of work exposure.
- (9) In line with the EU Strategic Framework, Member States should be called on to actively involve all players, in particular social partners, in developing measures for the effective prevention of occupational diseases.
- (10) The EU Strategic Framework refers to the need for a strengthened evidence base to underpin legislation and policy, and for research and data collection, both at EU and national level, as a pre-condition for the prevention of work-related diseases and accidents. Cooperation and exchange of information, experience and best practice is critical for improved analysis and prevention across the EU.
- (11) The recommendation to the Member States to forward to the Commission and make available to interested parties statistical and epidemiological data on occupational diseases recognised at national level remains relevant, taking into account Regulation (EC) No 1338/2008 of the European Parliament and of the Council ⁽⁷⁾ as well as in light of developments linked to the pilot works on European Occupational Diseases Statistics (EODS).

⁽³⁾ <https://ec.europa.eu/eurostat/documents/3859598/5902521/KS-RA-07-015-EN.PDF>

⁽⁴⁾ Not yet published in the Official Journal.

⁽⁵⁾ <https://ec.europa.eu/eurostat/documents/7870049/13464590/KS-FT-21-005-EN-N.pdf/d960b3ee-7308-4fe7-125c-f852dd02a7c7?t=1632924169533>

⁽⁶⁾ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

⁽⁷⁾ Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work (OJ L 354, 31.12.2008, p. 70).

- (12) The role of the European Agency for Safety and Health at Work, established by Regulation (EU) 2019/126 of the European Parliament and of the Council ⁽⁹⁾, is, inter alia, to supply the Union institutions and bodies and the Member States with the objective technical, scientific and economic information available and the qualified expertise they require to formulate and implement judicious and effective policies designed to protect the safety and health of workers, and to collect, analyse and disseminate technical, scientific and economic information in the Member States. Accordingly, the Agency should also play an important part in the exchange of information, experience and best practice on the prevention of occupational diseases.
- (13) National public health and healthcare systems can play an important part in improving prevention of occupational illnesses, for example by raising awareness among medical staff with a view to improving knowledge and diagnosis of these illnesses.
- (14) In view of the above considerations, and taking into account, on the one hand, the fact that the inclusion of COVID-19 in Annex I of this Recommendation is time-sensitive, especially in light of possible new waves of COVID-19 and the emergence of variants of the SARS-CoV-2 virus, and, on the other hand, the fact that Recommendation 2003/670/EC remains largely relevant and fit for purpose, this Recommendation should include COVID-19 in its Annex I and reiterate the content of Recommendation 2003/670/EC, without prejudice to further updates to this Recommendation at a later stage,

RECOMMENDS:

Article 1

Without prejudice to more favourable national laws or regulations, it is recommended that the Member States:

1. introduce as soon as possible into their national laws, regulations or administrative provisions concerning scientifically recognised occupational diseases liable for compensation and subject to preventive measures, the European schedule in Annex I;
2. take steps to introduce into their national laws, regulations or administrative provisions the right of a worker to compensation in respect of occupational diseases if the worker is suffering from an ailment which is not listed in Annex I but which can be proved to be occupational in origin and nature, particularly if the ailment is listed in Annex II;
3. develop and improve effective preventive measures for the occupational diseases mentioned in the European schedule in Annex I, actively involving all players and, where appropriate, exchanging information, experience and best practice via the European Agency for Safety and Health at Work;
4. draw up quantified national objectives with a view to reducing the rates of recognised occupational illnesses, in particular those included in the European schedule in Annex I;
5. ensure that all cases of occupational diseases are reported and progressively make their statistics on occupational diseases compatible with the European schedule in Annex I, in accordance with the work being done on the system of harmonising European statistics on occupational diseases, so that information on the causative agent or factor, the medical diagnosis and the sex of the patient is available for each case of occupational disease;
6. introduce a system for the collection of information or data concerning the epidemiology of the diseases listed in Annex II and any other disease of an occupational nature;
7. promote research in the field of ailments linked to an occupational activity, in particular the ailments listed in Annex II and the disorders of a psychosocial nature related to work;
8. ensure that documents to assist in the diagnosis of occupational diseases included in their national schedules are disseminated widely, taking account in particular of the notices for the diagnosis of occupational diseases published by the Commission;

⁽⁹⁾ Regulation (EU) 2019/126 of the European Parliament and of the Council of 16 January 2019 establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) No 2062/94 (OJ L 30, 31.1.2019, p. 58).

9. forward to the Commission and make available to interested parties statistical and epidemiological data on occupational diseases recognised at national level, in particular via the information network set up by the European Agency for Safety and Health at Work;
10. promote an active role for national healthcare systems in preventing occupational diseases, in particular by raising awareness among medical staff with a view to improving knowledge and diagnosis of these illnesses.

Article 2

The Member States shall themselves determine the criteria for the recognition of each occupational disease in accordance with the national laws or practices in force.

Article 3

This Recommendation replaces Recommendation 2003/670/EC.

Article 4

The Member States are requested to inform the Commission, no later than 31 December 2023, of the measures taken or envisaged in response to the new item No 408 of this Recommendation. The Member States are requested to inform the Commission whenever any new measures are taken in relation to the implementation of this Recommendation.

Done at Brussels, 28 November 2022.

For the Commission
Nicolas SCHMIT
Member of the Commission

ANNEX I

European schedule of occupational diseases

The diseases mentioned in this schedule must be linked directly to the occupation. The Commission will determine the criteria for recognising each of the occupational diseases listed hereunder:

1. Diseases caused by the following chemical agents:

- 100 Acrylonitrile
- 101 Arsenic or compounds thereof
- 102 Beryllium (glucinium) or compounds thereof
- 103.01 Carbon monoxide
- 103.02 Carbon oxychloride
- 104.01 Hydrocyanic acid
- 104.02 Cyanides and compounds thereof
- 104.03 Isocyanates
- 105 Cadmium or compounds thereof
- 106 Chromium or compounds thereof
- 107 Mercury or compounds thereof
- 108 Manganese or compounds thereof
- 109.01 Nitric acid
- 109.02 Oxides of nitrogen
- 109.03 Ammonia
- 110 Nickel or compounds thereof
- 111 Phosphorus or compounds thereof
- 112 Lead or compounds thereof
- 113.01 Oxides of sulphur
- 113.02 Sulphuric acid
- 113.03 Carbon disulphide
- 114 Vanadium or compounds thereof
- 115.01 Chlorine
- 115.02 Bromine
- 115.04 Iodine
- 115.05 Fluorine or compounds thereof
- 116 Aliphatic or alicyclic hydrocarbons derived from petroleum spirit or petrol
- 117 Halogenated derivatives of the aliphatic or alicyclic hydrocarbons
- 118 Butyl, methyl and isopropyl alcohol
- 119 Ethylene glycol, diethylene glycol, 1,4-butanediol and the nitrated derivatives of the glycols and of glycerol
- 120 Methyl ether, ethyl ether, isopropyl ether, vinyl ether, dichloroisopropyl ether, guaiacol, methyl ether and ethyl ether of ethylene glycol
- 121 Acetone, chloroacetone, bromoacetone, hexafluoroacetone, methyl ethyl ketone, methyl n-butyl ketone, methyl isobutyl ketone, diacetone alcohol, mesityl oxide, 2-methylcyclohexanone
- 122 Organophosphorus esters

- 123 Organic acids
- 124 Formaldehyde
- 125 Aliphatic nitrated derivatives
- 126.01 Benzene or counterparts thereof (the counterparts of benzene are defined by the formula: C_nH_{2n-6})
- 126.02 Naphthalene or naphthalene counterparts (the counterpart of naphthalene is defined by the formula: C_nH_{2n-12})
- 126.03 Vinylbenzene and divinylbenzene
- 127 Halogenated derivatives of the aromatic hydrocarbons
- 128.01 Phenols or counterparts or halogenated derivatives thereof
- 128.02 Naphthols or counterparts or halogenated derivatives thereof
- 128.03 Halogenated derivatives of the alkylaryl oxides
- 128.04 Halogenated derivatives of the alkylaryl sulfonates
- 128.05 Benzoquinones
- 129.01 Aromatic amines or aromatic hydrazines or halogenated, phenolic, nitrified, nitrated or sulfonated derivatives thereof
- 129.02 Aliphatic amines and halogenated derivatives thereof
- 130.01 Nitrated derivatives of aromatic hydrocarbons
- 130.02 Nitrated derivatives of phenols or their counterparts
- 131 Antimony and derivatives thereof
- 132 Nitric acid esters
- 133 Hydrogen sulphide
- 135 Encephalopathies due to organic solvents which do not come under other headings
- 136 Polyneuropathies due to organic solvents which do not come under other headings

2. Skin diseases caused by substances and agents not included under other headings

- 201 Skin diseases and skin cancers caused by:
 - 201.01 Soot
 - 201.03 Tar
 - 201.02 Bitumen
 - 201.04 Pitch
 - 201.05 Anthracene or compounds thereof
 - 201.06 Mineral and other oils
 - 201.07 Crude paraffin
 - 201.08 Carbazole or compounds thereof
 - 201.09 By-products of the distillation of coal
- 202 Occupational skin ailments caused by scientifically recognised allergy-provoking or irritative substances not included under other headings

3. Diseases caused by the inhalation of substances and agents not included under other headings

- 301 Diseases of the respiratory system and cancers
 - 301.11 Silicosis
 - 301.12 Silicosis combined with pulmonary tuberculosis
 - 301.21 Asbestosis

- 301.22 Mesothelioma following the inhalation of asbestos dust
- 301.31 Pneumoconioses caused by dusts of silicates
- 302 Complication of asbestos in the form of bronchial cancer
- 303 Broncho-pulmonary ailments caused by dusts from sintered metals
- 304.01 Extrinsic allergic alveolites
- 304.02 Lung diseases caused by the inhalation of dusts and fibres from cotton, flax, hemp, jute, sisal and bagasse
- 304.04 Respiratory ailments caused by the inhalation of dust from cobalt, tin, barium and graphite
- 304.05 Siderosis
- 305.01 Cancerous diseases of the upper respiratory tract caused by dust from wood
- 304.06 Allergic asthmas caused by the inhalation of substances consistently recognised as causing allergies and inherent to the type of work
- 304.07 Allergic rhinitis caused by the inhalation of substances consistently recognised as causing allergies and inherent to the type of work
- 306 Fibrotic diseases of the pleura, with respiratory restriction, caused by asbestos
- 307 Chronic obstructive bronchitis or emphysema in miners working in underground coal mines
- 308 Lung cancer following the inhalation of asbestos dust
- 309 Broncho-pulmonary ailments caused by dusts or fumes from aluminium or compounds thereof
- 310 Broncho-pulmonary ailments caused by dusts from basic slags

4. Infectious and parasitic diseases

- 401 Infectious or parasitic diseases transmitted to man by animals or remains of animals
- 402 Tetanus
- 403 Brucellosis
- 404 Viral hepatitis
- 405 Tuberculosis
- 406 Amoebiasis
- 407 Other infectious diseases caused by work in disease prevention, health care, domiciliary assistance and other comparable activities for which a risk of infection has been proven
- 408 COVID-19 caused by work in disease prevention, in health and social care and in domiciliary assistance, or, in a pandemic context, in sectors where there is an outbreak in activities in which a risk of infection has been proven

5. Diseases caused by the following physical agents:

- 502.01 Cataracts caused by heat radiation
- 502.02 Conjunctival ailments following exposure to ultraviolet radiation
- 503 Hypoacusis or deafness caused by noise
- 504 Diseases caused by atmospheric compression or decompression
- 505.01 Osteoarticular diseases of the hands and wrists caused by mechanical vibration
- 505.02 Angioneurotic diseases caused by mechanical vibration
- 506.10 Diseases of the periarticular sacs due to pressure
- 506.11 Pre-patellar and sub-patellar bursitis

- 506.12 Olecranon bursitis
 - 506.13 Shoulder bursitis
 - 506.21 Diseases due to overstraining of the tendon sheaths
 - 506.22 Diseases due to overstraining of the peritendineum
 - 506.23 Diseases due to overstraining of the muscular and tendonous insertions
 - 506.30 Meniscus lesions following extended periods of work in a kneeling or squatting position
 - 506.40 Paralysis of the nerves due to pressure
 - 506.45 Carpal tunnel syndrome
 - 507 Miner's nystagmus
 - 508 Diseases caused by ionising radiation
-

ANNEX II

Additional list of diseases suspected of being occupational in origin which should be subject to notification and which may be considered at a later stage for inclusion in Annex I to the European schedule

2.1 Diseases caused by the following agents:

- 2.101 Ozone
- 2.102 Aliphatic hydrocarbons other than those referred to under heading 1.116 of Annex I
- 2.103 Diphenyl
- 2.104 Decalin
- 2.105 Aromatic acids – aromatic anhydrides or their halogenated derivatives
- 2.106 Diphenyl oxide
- 2.107 Tetrahydrophurane
- 2.108 Thiopene
- 2.109 Methacrylonitrile
- 2.110 Acetonitrile
- 2.111 Thioalcohols
- 2.112 Mercaptans and thioethers
- 2.113 Thallium or compounds thereof
- 2.114 Alcohols or their halogenated derivatives not referred to under heading 1.118 of Annex I
- 2.115 Glycols or their halogenated derivatives not referred to under heading 1.119 of Annex I
- 2.116 Ethers or their halogenated derivatives not referred to under heading 1.120 of Annex I
- 2.117 Ketones or their halogenated derivatives not referred to under heading 1.121 of Annex I
- 2.118 Esters or their halogenated derivatives not referred to under heading 1.122 of Annex I
- 2.119 Furfural
- 2.120 Thiophenols or counterparts or halogenated derivatives thereof
- 2.121 Silver
- 2.122 Selenium
- 2.123 Copper
- 2.124 Zinc
- 2.125 Magnesium
- 2.126 Platinum
- 2.127 Tantalum
- 2.128 Titanium
- 2.129 Terpenes
- 2.130 Boranes
- 2.140 Diseases caused by inhaling nacre dust
- 2.141 Diseases caused by hormonal substances
- 2.150 Dental caries associated with work in the chocolate, sugar and flour industries
- 2.160 Silicium oxide

2.170 Polycyclic aromatic hydrocarbons which do not come under other headings

2.190 Dimethylformamide

2.2 Skin diseases caused by substances and agents not included under other headings

2.201 Allergic and orthoallergic skin ailments not recognised in Annex I

2.3 Diseases caused by inhaling substances not included under other headings

2.301 Pulmonary fibroses due to metals not included in the European schedule

2.303 Broncho-pulmonary ailments and cancers associated with exposure to the following:

- soot
- tar
- bitumen
- pitch
- anthracene or compounds thereof
- mineral and other oils

2.304 Broncho-pulmonary ailments caused by man-made mineral fibres

2.305 Broncho-pulmonary ailments caused by synthetic fibres

2.307 Respiratory ailments, particularly asthma, caused by irritants not listed in Annex I

2.308 Cancer of the larynx following the inhalation of asbestos dust

2.4 Infectious and parasitic diseases not described in Annex I

2.401 Parasitic diseases

2.402 Tropical diseases

2.5 Diseases caused by physical agents

2.501 Avulsion due to overstraining of the spinous processes

2.502 Disc-related diseases of the lumbar vertebral column caused by the repeated vertical effects of whole-body vibration

2.503 Nodules on the vocal chords caused by sustained work-related vocal effort

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