

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 22 May 1990

to the Member States concerning the adoption of a European schedule of occupational diseases

(90/326/EEC)

The Commission, under the terms of the Treaty establishing the European Economic Community and in particular Article 155 thereof, and without prejudice to more favourable national laws or regulations, recommends that the Member States:

1. introduce as soon as possible into their national laws, regulations or administrative provisions concerning scientifically recognized 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. ensure as far as possible that all cases of occupational disease are reported and progressively make their statistics on occupational diseases compatible with the schedule in Annex I;
4. — develop and improve the various preventive measures for the diseases mentioned in the European schedule, turning, if necessary, to the Commission for information on the experience acquired by Member States,
— use for this purpose the European schedule as a reference document on the prevention of occupational diseases and certain work accidents;
5. — circulate notices on the occupational diseases in their national list, taking special account of the medical information notices on occupational diseases in the European schedule, drawn up by the Commission,
— supply in particular all relevant information on diseases or agents recognized in their national legislation when requested to do so by another Member State through the Commission, and supply the Commission with statistical and epidemiological information on the incidence of occupational diseases;
6. Provide the personnel responsible for implementing the national provisions resulting from this recommendation with adequate training;
7. — introduce a system for the collection of information on data concerning the epidemiology of the diseases listed in Annex II and any other disease of an occupational nature,
— promote research in the field of ailments linked to an occupational activity, in particular the ailments listed in Annex II.

This recommendation shall not apply to diseases which are not recognized as being occupational in origin.

The Member States shall themselves determine the criteria for recognizing each occupational disease in accordance with their current national laws or practices.

The Commission requests the Member States to inform it, at the end of a three-year period, of the measures taken or envisaged in response to this recommendation. The Commission will then examine the extent to which this recommendation has been implemented in the Member States, in order to determine whether there is a need for binding legislation.

Done at Brussels, 22 May 1990.

For the Commission

Vasso PAPANDREOU

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 recognizing each of the occupational diseases listed hereunder:

1. Diseases caused by the following chemical agents:

		<i>EEC No.</i>
100	Acrylonitrile	608 003 004
101	Arsenic or compounds thereof	033 002 005
102	Beryllium (glucinium) or compounds thereof	—
103.01	Carbon monoxide	006 001 002
103.02	Carbon oxychloride	—
104.01	Hydrocyanic acid	—
104.02	Cyanides and compounds thereof	006 007 005
104.03	Isocyanates	—
105	Cadmium or compounds thereof	048 001 005
106	Chromium or compounds thereof	—
107	Mercury or compounds thereof	080 001 000
108	Manganese or compounds thereof	—
109.01	Nitric acid	007 004 001
109.02	Oxides of nitrogen	007 002 000
109.03	Ammonia	007 001 005
110	Nickel or compounds thereof	—
111	Phosphorus or compounds thereof	015 001 001
112	Lead or compounds thereof	082 001 006
113.01	Oxides of sulphur	—
113.02	Sulphuric acid	016 020 008
113.03	Carbon disulphide	006 003 003
114	Vanadium or compounds thereof	—
115.01	Chlorine	017 001 007
115.02	Bromine	—
115.04	Iodine	602 005 003
115.05	Fluorine or compounds thereof	009 001 000
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 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})	601 020 008
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	—

		<i>EEC No</i>
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	051 003 009
2.	Skin diseases caused by substances and agents not included under other headings	
201	<i>Skin diseases and skin cancers caused by:</i>	
201.01	Soot	
201.02	Tar	
201.03	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 recognized 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	<i>Diseases of the respiratory system and cancers:</i>	
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	
304.03	Respiratory ailments of an allergic nature caused by the inhalation of substances consistently recognized as causing allergies and inherent to the type of work	
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	
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	
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	Hypoaacusis 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
506.21	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
507	Miner's nystagmus
508	Diseases caused by ionizing 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 chemical agents :	<i>EEC No</i>
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	—
2.106	Diphenyl oxide	—
2.107	Tetrahydrophurane	603 025 000
2.108	Thiopene	—
2.109	Methacrylonitrile	608 001 003
	Acetonitrile	—
2.110	Hydrogen sulphide	016 001 004
2.111	Thioalcohols	—
2.112	Mercaptans and thioethers	—
2.113	Thallium or compounds thereof	081 002 009
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	605 010 004
2.120	Thiophenols or counterparts or halogenated derivatives thereof	—
2.121	Silver	—
2.122	Selenium	034 002 008
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	
2.2.	Skin diseases caused by substances and agents not included under other headings :	
2.201	Allergic and orthoallergic skin ailments not recognized 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	
2.302	Broncho-pulmonary ailments caused by dusts or fumes from aluminium or compounds thereof	

- 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
- 2.306 Broncho-pulmonary ailments caused by dusts from basic slags
- 2.4. **Infectious and parasitic diseases not described in Annex I :**
- 2.401 Parasitic diseases
- 2.402 Tropical diseases
- 2.403 Infectious diseases, not included in Annex I, of workers engaged in disease prevention, health care, domiciliary assistance or laboratory work and other activities where a risk of infection exists
- 2.5. **Avulsion due to overstraining of the spinous processes**
-

*ANNEX III***THE SITUATION IN THE MEMBER STATES**

This Annex was adopted in 1989 and is for guidance only, as the situation is in constant development. It will be updated when the Commission presents its report on the impact of the present recommendation in accordance with Item 4 of the explanatory memorandum.

I. Belgium

Belgium has a list of occupational diseases carrying entitlement to compensation.

The occupational diseases are broken down into the following categories :

1. caused by chemical agents ;
2. caused by physical agents ;
3. caused by biological agents ;
4. of the skin due to various causes ;
5. of the respiratory tract due to various causes.

Furthermore, Belgium has lists of 'occupational' diseases not carrying entitlement to compensation, but which are now being studied with a view to possible inclusion in the list of occupational diseases carrying entitlement to compensation.

The mixed system of compensation is not used in Belgium.

2. Denmark

The list of occupational diseases contains seven categories :

1. occupational diseases caused by chemical agents (Category A) ;
2. occupational diseases of the skin caused by substances or agents which do not come under other headings (Category B) ;
3. occupational diseases caused by the inhalation of substances or agents which do not come under other headings (Category C) ;
4. infectious or parasitic occupational diseases (Category D) ;
5. occupational diseases caused by physical agents (Category E) ;
6. initial stages of malignant ailments caused by organic compounds (Category F) ;
7. dental or periodontal diseases (Category G).

The mixed system of compensation is used.

3. Federal Republic of Germany

The list of occupational diseases carrying entitlement to compensation contains six categories :

1. diseases caused by chemical agents ;
2. diseases caused by physical agents ;
3. diseases caused by biological agents ;
4. respiratory tract and lung diseases ;
5. skin diseases ;
6. diseases not covered in the above.

Total : 59 occupational diseases carrying entitlement to compensation.

A mixed system is used on the basis of specific conditions governing compensation.

4. Greece

The list of occupational diseases carrying entitlement to compensation contains five categories :

1. (a) poisoning and allergies caused by 13 listed chemical substances ;
(b) skin diseases caused by chromium and cement ;
2. parasitic and contagious diseases ;
3. (a) diseases caused by physical agents ;
(b) miners' diseases ;
4. skin diseases ;
5. lung diseases.

Total : 52 occupational diseases carrying entitlement to compensation.

The mixed system of compensation is not used.

5. Spain

The list of occupational diseases carrying entitlement to compensation contains six categories:

- diseases caused by chemical agents,
- diseases of the skin caused by agents which do not come under other headings:
 - skin cancers,
 - other skin diseases of occupational origin,
- pneumoconioses,
- infectious and parasitic diseases,
- diseases caused by physical agents,
- diseases not classifiable under other headings.

Total: 71 occupational diseases carrying entitlement to compensation.

The mixed system is not used.

6. France

For the general scheme for employees, there are 91 occupational disease tables, which are not broken down by the agents responsible but by disease families and the products or agents responsible. Compensation for occupational diseases is on a flat-rate basis, but employees are given the benefit of the assumption that their disease is attributable to work if it meets the conditions set out in each table (symptoms of the disease, products or agents, period required for recognition, work involving exposure, and occasionally duration of exposure).

There is a mixed system for recognition and compensation in the case of pneumoconioses, with the procedure involving an approved doctor or a board of three specialists.

A claim for compensation (not limited to a flat-rate) can be made in respect of any disease not covered by the tables by invoking the liability of the employer.

There is also a schedule for occupational diseases containing 47 tables for farmers and farm employees. It effectively corresponds largely to the first schedule, but with special features owing to the particular nature of the risks covered.

A total of 300 symptoms or groups of symptoms carry entitlement to compensation under the general scheme for employees and nearly the same number is covered by the farm scheme. New tables are established or the existing ones are revised when it is found, as a result of epidemiological study, that a new type of disease is, almost certainly, occupationally induced. Furthermore, consideration is being given to the extension of the mixed system.

7. Ireland

The classification of occupational diseases is divided into four categories (A, B, C and D):

- A: diseases caused by physical agents (14 diseases),
- B: diseases caused by biological agents (10 diseases),
- C: diseases caused by chemical agents (29 diseases),
- D: diseases with various causes other than those above (three diseases).

Total: 56 occupational diseases carrying entitlement to compensation; seven further occupational diseases have carried entitlement to compensation since 1985.

A mixed system of compensation exists only for certain respiratory diseases, including certain pneumoconioses, respiratory and skin diseases.

8. Italy

There are two lists of occupational diseases:

- one list covering occupational diseases in industry,
- one list covering occupational diseases in agriculture.

The first list contains 49 headings carrying entitlement to compensation not classified by agents responsible.

The second list contains 21 occupational diseases in agriculture carrying entitlement to compensation not classified by agents responsible.

Total: 70 occupational diseases carrying entitlement to compensation.

The system of compensation is currently being amended.

9. Luxembourg

The list of occupational diseases carrying entitlement to compensation contains six categories:

1. diseases caused by chemical agents;
2. diseases caused by physical agents;
3. diseases caused by biological agents;
4. respiratory tract and lung diseases (including pneumoconioses);
5. skin diseases;
6. diseases covered in the above.

Total: 55 occupational diseases carrying entitlement to compensation.

The mixed system is used on the basis of specific conditions governing compensation.

10. Netherlands

In the Netherlands the European Schedule of Occupational Diseases is used as a basic reference document for the diagnosis, reporting and registration of occupational diseases, provided, however, that there is a cause-and-effect link between the disease and the occupational activity. Under the Dutch social security system all cases of disease or incapacity for work give rise to compensation, regardless of the cause.

The form this compensation takes does not depend on whether the disease is occupational in origin or not.

11. Portugal

There are two groups of occupational diseases :

(a) The diseases contained in a list published by the relevant Ministry, which is based on the French list and contains 89 tables of diseases giving the causal agent, the type of disease caused, the recognition period and a list of the main activities responsible. These occupational diseases are divided into seven categories :

1. poisoning ;
2. lung ailments ;
3. dermatoses ;
4. diseases caused by physical agents ;
5. diseases caused by biological agents ;
6. tumours ;
7. mucous membrane allergies.

(b) Injuries, functional disorders or diseases not included in the above list for which no compensation will be obtained unless a link is established between the activity carried out by the worker and the ailment caused (mixed system).

12. United Kingdom

The list of occupational diseases contains four categories (A, B, C and D) :

A : diseases caused by physical agents (11 diseases) ;

B : diseases caused by biological agents (nine diseases) ;

C : diseases caused by chemical agents (29 diseases) ;

D : diseases with various causes which do not come under the above categories (10 diseases).

Total : 59 occupational diseases carrying entitlement to compensation.

There is no mixed system of compensation, except in the case of industrial accidents and certain specific diseases.
