



Open Letter to the President of the
German Cancer Society
Berlin Declaration

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Open Letter

To the President of the German Cancer Society (Deutsche Krebsgesellschaft e.V.)

Vorstand der Deutschen Krebsgesellschaft e.V.
Herrn Präsidenten
Prof. Dr. Wolff Schmiegel
Kuno-Fischer-Straße 8

14057 Berlin

8.8.2014

Berlin Declaration of Health hazards due to asbestos and the situation of the asbestos-related diseased

Dear Professor Schmiegel,

The Federal Association of Asbestosis Victims Groups was surprised and irritated that the German Cancer Society, differently from regional societies¹, wants to support the above mentioned declaration only in agreement with statutory accident insurance institutions.

By this open letter, the board of the Federal Association of Asbestosis victims Groups applies to the public since you did not answer my letter dated 30 April 2014.

Statutory accident insurance institutions and their umbrella organization, the German statutory accident insurance institution (DGUV Deutsche Gesetzliche Unfallversicherung) are legal insurance organizations. Contrary to our expectations, the German Cancer Society bases its position on the opinion of a statutory insurance institution. Accident as well as health insurance organizations are exclusively financed by employers and thus obliged to act economically under consideration of their fee paying members. The expenses for asbestosis patients amount to millions of Euros.

According to its commitment, the German Cancer Society is a health political institution exerting influence on the welfare of cancer patients by committees consisting of politicians, expert societies and providers of healthcare products and service.

¹ Meeting of the Regional Cancer Societies on March 27th 2014

In our opinion, the position of the German Cancer Society does not come up to this principle.

Asbestosis patients mostly earned their and their families' living due to hard physical labour on building sites, as roofers, plumbers, electricians etc. They were unaware of the harmful effects and lost their health. Since the beginning of the 20th century, the lethal properties of asbestos fibres have been verified, and at the beginning of the 40s, asbestosis and asbestos-induced lung cancer were recognized as occupational diseases. While in the USA the first legal compensation proceedings were instituted, German workers were mainly without protection exposed to asbestos dust in their workplaces. Even internationally, the asbestos industry tried everything to prevent a prohibition of asbestos, and politicians, scientists and institutions responsible for work protection corresponded to these requirements over many years. Thus, a direct political responsibility exists because of the fact that thousands of asbestosis patients were severely harmed and died prematurely. According to our opinion, a special socio-political responsibility is evident. Simultaneously, the question arises why the whole of insured workers have to bear the costs of the disease due to the restrictive practice of statutory accident insurance institutions to recognize this illness.

Basic requirements of the Berlin Declaration referring to Germany:

According to the general sense of justice, people whose illness was not recognized as occupational disease because of principles that in the meantime proved to be wrong should now be supported with regard to their pension claims.

In the past, family members of workers cleaned clothes contaminated with dust at home. Statutory accident insurance institutions have hitherto not accepted liability for the resulting asbestos-related diseases of family members. The principle that the responsible party is liable has been ignored. It shouldn't be maintained.

In addition to international and national institutions supporting the Berlin Declaration, the EU also requires not to impose the burden of proof on asbestosis patients². The upper house of parliament currently deals with a new approach to this topic which was introduced by the city of Bremen.

For lung cancer or mesothelioma patients it is an immense burden to take legal actions in their remaining lifetime.

Therefore, we would kindly ask the board of the German Cancer Society to reconsider their decision and to support the Berlin Declaration together with the 16 regional cancer societies.

With kind regards

Evelyn Glensk

² Resolution of the European Parliament dated 14 March 2013, 2012/2065 (INI)