

Memorandum
(Translation of Important passages in
Amtliche Nachrichten für Reichsversicherung)

1. Excerpt from the Reasoning of the Government regarding the introduction of the 4th regulation in 1943
(Amtliche Nachrichten für Reichsversicherung p. 65)

Appertaining to sec. 2 of the 4th regulation No. 7 (Introduction of lung cancer caused by asbestosis as a further disease into the catalogue of diseases to be compensated):

"On the ground of asbestos and in a causal connection with it lung cancer may develop."

2. Essay by Prof. M. Bauer "Die vierte Verordnung ..."
(Amtliche Nachrichten für Reichsversicherung 1943 p. 133 et seq.)

p. 138:

"Sec. 2 No. 18b. Disease of the lung caused by asbestos (asbestosis) in connection with lung cancer.

A serious lung disease caused by asbestos (asbestosis), a special kind of lung fibrosis due to inhaling the dust of asbestos, is already compensated in accordance with the provisions set forth in the 3rd regulation. At first sight one would have asked whether in connection with asbestosis tuberculosis will occur in the same way and with a similar frequency as in case of silicose and whether it causes a specific course of the disease. As far as German literature is concerned, one cannot derive from it a convincing judgement.

For the first time lung cancer was considered to be due to the inhaling the dust of asbestos in a publication abroad in 1935. Similar publications were made in various other places. In such publications it was set forth that mostly it was a special kind of cancer („Verhormender Blattenepithelkrebs“) in the region of the lower lungs. In December 1937 in Germany the results of two sections of asbestosis-sick people who both had suffered from a serious asbestosis which for that reason had to be compensated were published stating that lung cancer had been caused by that. Since these two cases were followed by others and since there could not be any reasonable doubt on the connection between asbestosis and lung cancer, there was the necessity to grant insurance cover when lung cancer and asbestosis coincided without the requirement of seriousness of asbestosis being given."

3. Sec. 2 of 4th Regulation on the Extension of Accidental Insurance for Professional Diseases
(Reichsgesetzblatt 1943, Teil I, p. 85 et seq; Vierte Verordnung über Ausdehnung der Unfallversicherung auf Berufskrankheiten)

"No. 7: In No. 18 [of the existing version of the regulation] the wording of column II is amended as follows:

- " a) Serious disease of the lung caused by asbestos dust (asbestosis)
- b) Asbestosis in connection with lung cancer".

4. 3rd Regulation (Reichsgesetzblatt 1936 Teil I, p. 1119 et seq)

Annex to the 3rd regulation containing in No. 18 asbestosis as disease which is to be compensated

5. Compensation

In principle, if an employee suffers from a disease which is encompassed within the annex to the regulation this is transmitted to the so-called "Berufsgenossenschaft" (i.e. the employers' liability insurance association). The employee may then file an application with the Berufsgenossenschaft to be compensated.

The respective code (i.e. the "Reichsversicherungsordnung" or "RVO") entitles the government to enact regulations containing the diseases which are to be compensated.