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**Minor Interpellation by the Members of Parliament Dr. Ilja Seifert, Diana Golze
and others and the Parliamentary Group DIE LINKE (Left Party)**

– Printed Paper 17/12998 dated 4 April 2013

**Need for clarification on the work of the Contergan Foundation (Conterganstiftung)
after the open hearing of the Family Affairs Committee of the German Federal
Parliament on 1 February 2013**

Dear Mr. President,

I answer the Minor Interpellation as follows:

Question No.1:

How far does the letter from Mr. Schucht dated 22.02.2013 only represent the opinion of the Foundation's Management Board or also that of the supervising Federal Ministry?

Answer:

Insofar as the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) has knowledge of the facts on which the letter is based, the contents of the letter largely correspond to the opinion of the Federal Government.



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Question No.2:

How far does the Federal Government agree with the assertion that the statement by Mr. Meyer “contains deliberately false allegations that are solely intended to denigrate the Contergan Foundation and present it in a bad light.”?

Answer:

The Federal Government has no knowledge of the motives of Mr. Meyer for making his statement.

Question No.3:

Can the Federal Government confirm the claim of the Management Board of the Contergan Foundation: “Grünenthal has at no time had access to the medical files of the Contergan Foundation” (see Schucht letter dated 22.02.2013)?

Question No.4:

If no, which employees of Grünenthal GmbH have or have had, to the knowledge of the Federal Government access to the medical files of the Contergan victims?

Answer:

Questions 3 and 4 are answered together in view of their contextual connection. To the knowledge of the Federal Government, the company Grünenthal GmbH had or has no access to the medical files of the Foundation.

Question No.5:

To the knowledge of the Federal Government, have the members of the Medical Commission of the Contergan Foundation had access to the medical files of the Contergan victims?



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Answer:

It is the task of the members of the Medical Commission to carry out medical assessments of those affected. Therefore the members of the Medical Commission have access to the medical files of those affected.

Question No.6:

From when until when was Attorney Herbert Wartensleben the Chairman or a member of the Medical Commission of the Contergan Foundation?

Answer:

Mr. Wartensleben was Chairman of the Medical Commission jointly with Mr. Karl-Hermann Schulte-Hillen until 31 December 2003.

Question No.7:

To the knowledge of the Federal Government, was Mr. Wartensleben at the time of the Contergan trial or at other times the Head of the Legal Department of Grünenthal GmbH as well as, after his appointment as Chairman of the Medical Commission, counsel for the company Grünenthal, for example in 2007 in the dispute with the WDR regarding the play about Contergan (see Meyer letter dated 08.03.2013)?

Answer:

At the time of the Contergan trial, Mr. Wartensleben was the corporate lawyer of the company Grünenthal GmbH. The Federal Government has no certain knowledge of further activities of Mr. Wartensleben for the company Grünenthal GmbH.



Question No.8:

To the knowledge of the Federal Government, what financial payments (including “endowments”) have been made by the company Grünenthal GmbH or the Wirtz family directly or indirectly to the Contergan Foundation, to members of governing bodies of the Contergan Foundation as well as to Contergan victims and their organisations beyond the two payments to the Contergan Foundation (in 1972 and 2009) (please itemise separately the recipients, date and financial scope and the reason or the basis for the payment)?

Answer:

To the knowledge of the Federal Government the following payments were made:

The company Grünenthal GmbH (previously Chemie Grünenthal) paid to the Foundation for direct payments of benefits to affected persons from the Foundation (Contergan pensions and single capital compensation payments according to Section 2 of the Contergan Foundation Act ContStifG):

1973: 60,463,194.44 DM

1978: 78,699,331.52 DM

1979: 10,224,721.75 DM

Total: 149,387,247.71 DM (translates to 76,380,486.91 Euros).

In 2009 a further payment was made to the Foundation by the company Grünenthal GmbH amounting to 50,000,000 Euros for long-term annual special payments to the affected persons.

In December 2012 the Wirtz family donated a sum amounting to 400,000 Euros to the Foundation earmarked for the specific purpose of creating an Internet portal.

For the costs of the Medical Commission, the company Grünenthal GmbH has reimbursed a total of 387,723.38 Euros to the Foundation in the years 1973 to 2012.



Question No.9:

Which of these financial payments were made by agreement with or following discussions with representatives of the Contergan Foundation and/or of the Federal Government and/or of the German Federal Parliament with the knowledge of the Federal Government (please also itemise separately)?

Answer:

The Federal Government has no knowledge of agreements or discussions by the company Grünenthal GmbH with members of the German Federal Parliament. The Federal Government also has no knowledge of agreements and discussions regarding the payments mentioned in the answer to question No. 8 in the 1970s. To the knowledge of the Federal Government the remaining payments took place in principle by agreement with the respective Management Board of the Foundation and the respective Council of the Foundation and thus also with the members of the relevant Federal Ministries represented on the Council.

Question No.10:

Does the Federal Government share the view of the Management Board of the Contergan Foundation that Mr. Meyer's allegations that Grünenthal has paid experts on the Medical Commission and that a contract to this effect exists with the Contergan Foundation, are untrue (see Schucht letter dated 22.02.2013)?

Answer:

For the content of the contract between the Foundation and the company Grünenthal GmbH dated 18 April 2005, reference is made to the answers to questions No. 13 and No. 14. The contract indicates that the company Grünenthal GmbH pays a lump sum of 24,000 Euros annually to the Foundation to reimburse the costs of the Medical Commission. Thus, to the knowledge of the Federal Government no direct payments are made from the company Grünenthal GmbH to the experts on the Medical Commission based on this contract.



Question No.11:

To the knowledge of the Federal Government, does a letter exist from the company Grünenthal to the Contergan Foundation dated 05.03.1973, signed by Dr. Franz Wirtz and (pp.) Herbert Wartensleben, in which it is stated: “In accordance with the agreement with the Federal Government of which you are aware, we confirm to you that we will pay the costs of the medical experts that are listed in your letter dated 8 February 1973.” (see Meyer letter dated 08.03.2013)?

Answer:

Such a letter exists and contains the passage cited.

Question No.12:

Is the reference by Mr. Meyer in his letter dated 08.03.2013 true, according to which it appears in the budget plan of the Contergan Foundation (approved by the Federal Government) that the costs of the Medical Commission are transitory items because the expenses are reimbursed by the company Grünenthal GmbH?

Question No.13:

Is the allegation of Mr. Meyer true, that a contractual agreement exists between the Contergan Foundation and the company Grünenthal dated 18.04.2005 for the financing of the costs of the Medical Commission?

If yes, what is the content of this agreement?

Answer:

Questions No.13 and No.14 are answered together in view of their contextual connection. According to the contract between the Foundation and the company Grünenthal GmbH signed on 18 April 2005, the company Grünenthal GmbH pays a lump sum of 24,000 Euros annually to the Foundation to reimburse the costs of the Medical Commission. In the event that the costs of the Medical Commission exceed this amount in any given year, the company Grünenthal GmbH bears the excess costs to the extent that the lump sum amount in the two preceding years was not exhausted.



PAGE 7 The annual lump sum payment serves to cover the expenses listed in the contract which arise for the Foundation in connection with the work of the Medical Commission. Accounting takes place annually.

The compensation and reimbursement claims of members of the Medical Commission, independently of payments by the company Grünenthal GmbH, are exclusively against the Foundation, and the Federal Government is responsible for their fulfilment in accordance with the Contergan Foundation Act. For years, the annual expenses of the Foundation for the Medical Commission have amounted to many times the above-mentioned reimbursement.

Question No.14:

To the knowledge of the Federal Government, in what way and on what basis did payments take place from the company Grünenthal GmbH to members of the Medical Commissions before the entry into force of this agreement?

Answer:

To the knowledge of the Federal Government, before the entry into force of the contract mentioned in question No.13, annual lump sum payments were made by the company Grünenthal GmbH to the Foundation for reimbursement of the costs of the Medical Commission on a voluntary basis.

Question No.15:

Can the Federal Government confirm the information from Mr. Meyer in his letter dated 08.03.2013 concerning his efforts to cancel the contract referred to in Question 18 and the decisions in the Council of the Foundation regarding this?

If not, what are the facts of the case in the view of the Federal Government?

Answer:

The relevant motion by Andreas Meyer in the meeting of the Council of the Foundation on 18 February 2010 was rejected by a majority.



Question No.16:

Can the Federal Government confirm the descriptions of the “accusation of money laundering” in connection with payments to Dr. J. G. in the letter from Mr. Meyer dated 08.03.2013?

If not, what alternative interpretations exist?

Answer:

The Federal Government has no knowledge of whether “money laundering” has occurred in connection with the Contergan Foundation for People with Disabilities. To the knowledge of the Federal Government, the so-called “Contergan consultation hour” by Dr. J. G. was funded by the company Grünenthal GmbH.

Question No.17:

What rules as well as changes in rules have been made since 2009 with regard to the right of inspection, the production of notes as well as the production of copies of minutes for the chairman of the Council of the Foundation, the members of the Council of the Foundation and their deputies?

To what extent is account taken of handicaps of members in the question of the production of notes and or copies?

Answer:

In an amendment to the statute of the Foundation dated 4 March 2010, the following new rule was specifically inserted in Section 7 Paragraph 6: “The members of the organs of the Foundation have a comprehensive right to information about all the affairs of the Foundation, also from the past, by means of inspection of documents in the office of the Foundation.” Account is taken of the handicaps of organ members exercising their right of inspection in particular through the fact that they can be accompanied by an assistant and additionally assisted by the Foundation’s office staff.



Question No.18:

What functions and responsibilities with reference to the subject of Contergan had or has the Federal official Mr. Dieter Hackler in the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth as well as in the governing bodies of the Contergan Foundation (please itemise separately the respective functions, tasks and responsibilities as well as the relevant time periods)?

Answer:

Since 1 October 2006, Ministerialdirektor Mr. Dieter Hackler has been the Head of Department 3 of the BMFSFJ, to which the functional responsibility for the Contergan Foundation for People with Disabilities belongs. Dieter Hackler has been a member of the Foundation's Board since 23 November 2008 and its Chairman since the beginning of 2009. Responsibility for the judicial supervision of the Contergan Foundation for People with Disabilities has been held since October 2009 by Department 1 and here by the Legal Department of the BMFSFJ.

Question No.19:

How far does the Federal Government see this bundling of competencies and responsibilities as problematic with regard to the criticised lack of transparency and democracy in the governing bodies of the Foundation as well as the judicial supervision and control over its activities by the Federal Government?

Answer:

In the responsibilities for the Foundation mentioned in the answer to question No.18, the Federal Government sees neither problems for transparency and democracy in the governing bodies of the Foundation nor for the judicial supervision of the Foundation.

Question No.20:

How far is the Federal Government aware, as alleged by Mr. Meyer in the open hearing on 01.02.2013, that Grünenthal's Managing Director Michael Wirtz donated 250,000 DM for the collection campaign of ex-Chancellor Helmut Kohl (see preliminary version of the verbatim minutes 17/87, page 24, as well as Spiegel Online dated 26.04.2000)?



Question No.21:

Does the Federal Government see any possible connection between the donation and the conduct of the Federal Government towards the company Grünenthal?

Answer:

Questions No.20 and No.21 are answered together in view of their contextual connection.

The Federal Government has no knowledge regarding these questions.

Question No.22:

Is the Federal Government aware of donations to parties by the company Grünenthal GmbH or the Wirtz family or other companies that are in the family's ownership?
If yes, which (please state recipient, amount and date)?

Answer:

The Federal Government has no knowledge of donations to parties by the company Grünenthal GmbH or the Wirtz family or other companies in which this family has a participation.

[signed]

Dr. Hermann Kues

Note: This English translation is unofficial. Only the original German text carries legal authority.