Dear Commissioner,

On 30 January 2007, you issued the 'Green Paper - Towards a Europe free from tobacco smoke: policy options at EU level'. This Green Paper calls for a position statement from the Federal Association for the Cigar Industry (Bundesverband der Zigarrenindustrie–BdZ), which accounts for around 80% of traditional cigar production in Germany.

I would first of all like to state quite clearly that producers and importers of cigars and cigarillos into Germany are also acting to protect non-smokers. Each one of us should decide for themselves whether they wish to smoke or not. We also take the view that the products manufactured or imported by this industry are intended solely for consumption by adults.

However, we totally reject your strategy of criminalising users of cigars and cigarillos by smothering them with statutory provisions which go beyond a joke.

What we find especially irritating is your assertion that the serious health risks associated with passive smoking have been clearly demonstrated. If one looks in particular at the frequently quoted study carried out in Germany by the German Cancer Research Centre (Deutsches Krebsforschungszentrum – DKFZ) in Heidelberg, it can be readily seen that this study proves only one thing, namely that it lacks a sound scientific basis. This has also been confirmed by a number of science journalists, but you will probably allege that these have excessively close ties with the tobacco industry.

The DKFZ states, for example, that around 3 300 deaths are presumed to be linked to passive smoking. 64% of this number were aged 75 or more. Furthermore, ex-smokers were simply included as non-smokers. Nor does this study give any clear indication at all of the extent to which these alleged deaths from passive smoking were actually caused by exposure to tobacco smoke.

But even if these figures were not called into question, any impartial reader will wonder how the Green Paper arrives at a figure of more than 79 000 deaths from passive smoking throughout Europe. Germany makes up about 15% of the total EU population. If these figures are extrapolated, we arrive at a figure of around 30 000 such cases – assuming, of course, that this study can be taken at all seriously.

Your assertions concerning the economic implications are also interesting. The claim that the funding otherwise allocated to the tobacco industry could then be invested elsewhere, is incredibly naïve. What should someone who enjoys a cigar buy instead? Nicotine replacement products? We also have figures to demonstrate that your statistics showing an increase in the number of people visiting restaurants following a smoking ban are totally wrong. In Scotland, for example, the number has fallen by 14%. In Ireland, the turnover for bottled beer has apparently increased, whereas that for draught beer has seen a rapid decline. In this connection, I should also mention a report in "Times Online" on 27 February 2007 which stated that since the introduction of the smoking ban in Ireland, around 1 000 pubs – mainly in rural areas – have had to close. It is also common knowledge that these statistics simply disregard the number of catering establishments which have gone bankrupt and put the number of customers at the same level as before the smoking ban. Statistics are indeed a very versatile commodity.

I would suggest that you discuss your cynical assertions concerning job losses with those workers who are personally affected.
In conclusion, we would like to state that it is possible to have smokers and non-smokers behaving tolerantly towards each other without being smothered by regulations from your officials, who appear to be set on suppressing any form of pleasure or enjoyment.

We would like to turn to statistics once again. Many people in Germany are, at the very least, uneasy about the activities of regulators in Brussels. This is not least because the Commission interferes in every aspect of people's lives and imposes on them regulations which they do not want. The feeling of resentment among EU citizens towards Brussels – which was also reflected, for example, in the Netherlands' rejection of the European constitution – is created and reinforced by regulation of this kind.

Finally, I would ask you to reveal your statistics. This request is made on the basis of Article 255 of the Treaty establishing the European Community.

Yours faithfully,

Hans-Conrad Ostermeyer