

Planned egg cell trade

European Parliament resolution on the trade in human egg cells

The European Parliament,

- having regard to the Treaty establishing the European Community, in particular Article 152(4)(a) thereof,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 3 thereof, which states that making the human body and its parts as such a source of financial gain is prohibited,
- having regard to Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells¹,
- having regard to its resolution of 23 October 2003² on the prevention and control of trafficking in human organs and tissues,
- having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas media reports at the end of December 2004 uncovered the existence of a clinic in Romania specialising in the donation of egg cells to European Union nationals, particularly UK citizens, in return for financial compensation,
- B. whereas a team sent from the UK HFEA (the Human Fertilisation and Embryology Authority) to Romania to investigate concerns about payments to donors was unable to find any evidence that Romanian donors were being paid more than legitimate expenses, but on the other hand the Romanian Government decided to close the clinic and to forward the case to the Prosecutor's Office,
- C. whereas the HFEA has published a consultation paper, in which a payment of £ 1000 for the donor is an option, and has asked the public to comment on it,
- D. whereas the harvesting of egg cells poses a high medical risk to the life and health of women, resulting inter alia from hyper stimulation of the ovaries,
- E. whereas, despite the possibility of serious effects on women's life and health, the high price paid for egg cells incites and encourages donation, given the relative poverty of the donors;

¹ OJ L 102, 7.4.2004, p. 48.

² OJ C 82 E, 1.4.2004, p. 580.

- F. whereas the promise of financial incentives could cause a woman, especially one who is in a state of economic need, to consider the sale of her ova, possibly resulting in serious risks to her own life and health, as well as to the recipient, as the donor might not disclose a medical history or medical risks that would make donation inadvisable;
- G. whereas Article 12 of Directive 2004/23/EC makes clear that payment, other than compensation, for cell and tissue donations in Europe is not acceptable and that cells and tissues must not as such be subject to trade,
- H. whereas the procurement of cells may not be subject to any pressure or incentive, whilst the voluntary and unpaid donation of egg cells must be guaranteed, so that women do not become 'suppliers of raw material',
1. Recalls that the human body should not be a source of financial gain and that particular attention should be paid to vulnerable individuals at risk of becoming victims of trafficking, particularly women;
 2. Condemns all trafficking in the human body and its parts, and stresses that Article 12(1) of Directive 2004/23/EC requires Member States to endeavour to ensure voluntary and unpaid donations of tissues and cells;
 3. Recalls also that this provision leaves responsibility for authorising and setting the levels of compensation within the framework of the Directive in question to the Member States;
 4. Considers that the activities of the Global Arts Clinic in Romania and similar bodies can be regarded as trade, and thus unacceptable;
 5. Calls on the Commission fully to investigate the above-mentioned reports and especially to clarify the contradictions between the information from the UK authorities and that from the Romanian authorities;
 6. Calls on the Member States to take the necessary measures, before 7 April 2006 when Directive 2004/23/EC must be implemented, to put in place a transparent and progressive policy with regard to making good the expenses and inconveniences related to tissue and cell donations;
 7. Calls on the Commission to carry out an assessment as soon as possible of national legislation on egg cell donation and the compensation system for the donation of organs and reproductive cells, and to make this assessment public;
 8. Considers that one of the essential issues in practice is the need to provide infertile couples awaiting an egg donation with a real solution, and calls on the Commission to intensify and strengthen alternatives for the prevention and treatment of infertility;
 9. Wishes to see egg cell donation, like organ donation generally, strictly regulated in order to protect both donors and recipients and to tackle all forms of human exploitation;

10. Stresses that any woman forced to sell any part of her body, including reproductive cells, becomes prey to organised crime networks that traffic in people and organs;
11. Welcomes the United Nations General Assembly resolution of 8 March 2005 (A/59/516/Add. 1), which refers explicitly to the need to prevent the exploitation of women, and asks the Commission accordingly to rule out support and funding for human cloning under any EU programme;
12. Calls on the Commission to ascertain whether such cases also occur in Member States, candidate countries or third countries;
13. Calls on the Member States to take measures to prevent the exploitation of women in the application of life science;
14. Welcomes the decision of the Sixth Committee of the United Nations of 18 February 2005, and asks the Commission accordingly to exclude human cloning from funding under the 7th Research Framework Programme;
15. Asks the Commission to apply the subsidiarity principle in connection with other forms of embryo research and embryonic stem cell research so that Member States in which this kind of research is legal fund it from their national budgets; considers that EU funding should concentrate on alternatives like somatic stem cell and umbilical cord stem cell research, which are accepted in all Member States and have already led to successful treatment of patients;
16. Instructs its President to forward this resolution to the Presidency of the European Union, the Council, the Commission and the governments and parliaments of the Member States.