



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on the Environment, Public Health and Food Safety*

---

**2009/2104(INI)**

17.2.2010

# **AMENDMENTS**

## **1 - 33**

**Draft report**  
**Andres Perello Rodriguez**  
(PE430.960v02-00)

Commission Communication: Action plan on Organ Donation and  
Transplantation (2009-2015): Strengthened Cooperation between Member  
States  
(COM(2008)0819 – C7- – 2009/2104(INI))

AM\805231EN.doc

PE439.156v01-00

**EN**

*United in diversity*

**EN**

AM\_Com\_NonLegReport

**Amendment 1**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Citation 8 a (new)**

*Motion for a resolution*

*Amendment*

***- having regard to the report by David Matas and David Kilgour entitled 'Bloody Harvest. The killing of the Falung Gong for their organs',***

Or. en

**Amendment 2**

**Frédérique Ries**

**Motion for a resolution**

**Recital E a (new)**

*Motion for a resolution*

*Amendment*

***Ea. whereas at present there is neither a database covering the whole of the European Union which contains information about organs intended for donation and transplantation or on living or deceased donors, nor, moreover, a pan-European certification system which provides proof that human organs and tissues have been legally obtained,***

Or. fr

**Amendment 3**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Recital H**

*Motion for a resolution*

*Amendment*

H. whereas ***it is recognised that, ideally,***

H. whereas the trafficking of organs ***and of***

the *best way of fighting against organ trafficking and trafficking in persons for purpose of the removal of organs is to increase the number of available* organs,

*human beings for the purpose of removing organs constitutes a severe violation of human rights,*

Or. en

#### **Amendment 4**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

#### **Motion for a resolution**

#### **Recital H a (new)**

*Motion for a resolution*

*Amendment*

*Ha. whereas there is a strong link between illegal organ trafficking and the trafficking of persons for the purpose of removing organs and the legal system of organ donation because, on the one hand, the non-availability of organs in the legal system acts as an incentive for illegal activities, and, on the other, illegal activities severely undermine the credibility of the legal system of organ donation,*

Or. en

#### **Amendment 5**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

#### **Motion for a resolution**

#### **Recital J**

*Motion for a resolution*

*Amendment*

J. whereas living donation *rates also differ substantially between Member States, and it seems that not all Member States realise their potential for* living donation,

J. whereas living donation *can be a helpful additional measure for patients who cannot get the organ they need via post-mortem transplantation, but emphasising that living donation can only be considered if any illegal activity and payment for the donation has been ruled out,*

**Amendment 6**  
**Frédérique Ries**

**Motion for a resolution**  
**Recital N a (new)**

*Motion for a resolution*

*Amendment*

*Na. whereas the fact that people are living longer is serving to reduce the quality of available organs, which in turn is leading in many cases to a reduction in the number of transplants, including in those Member States where the number of donors is increasing,*

Or. fr

**Amendment 7**  
**James Nicholson**

**Motion for a resolution**  
**Recital O a (new)**

*Motion for a resolution*

*Amendment*

*Oa. whereas work carried out by charities and other voluntary organisations in Member States increases awareness of organ donation, and whereas their efforts ultimately contribute to an increase in the numbers of people on organ donor registers,*

Or. en

**Amendment 8**  
**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Welcomes the ***proposal to establish a European*** Action Plan on Organ Donation and Transplantation ***for the period*** 2009-2015 which sets out a cooperative approach between Member States through a set of priority actions, based on the identification and development of common objectives and the evaluation of donation and transplantation activities through agreed indicators that might help to identify benchmarks and best practices;

*Amendment*

1. Welcomes the Action Plan on Organ Donation and Transplantation (2009-2015) ***adopted by the European Commission in December 2008***, which sets out a cooperative approach between Member States through a set of priority actions, based on the identification and development of common objectives and the evaluation of donation and transplantation activities through agreed indicators that might help to identify benchmarks and best practices;

Or. en

**Amendment 9**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Paragraph 2**

*Motion for a resolution*

***2. Looks forward to the Commission's above-mentioned proposal for a directive, which should set quality and safety requirements for the donation, procurement, testing, preservation, transportation and distribution of organs across the EU; stresses, nonetheless, that the forthcoming legislative framework should not create an excessive administrative burden for Member States; points out that the new legislative document should complement and reinforce efforts made by Member States to achieve an active and efficient method of coordination without preventing the introduction or maintenance of more stringent measures;***

*Amendment*

*deleted*

Or. en

**Amendment 10**  
**Frédérique Ries**

**Motion for a resolution**  
**Paragraph 3 a (new)**

*Motion for a resolution*

*Amendment*

***3a. Considers, therefore, that with a view to addressing the problem of the shortage of organs a global strategy is needed at national and Community level in order to optimise the number of donations after brain death or cardiac failure, increase the number of living donors and broaden the pool of potential donors to cover persons who meet 'expanded' donor criteria;***

Or. fr

**Amendment 11**  
**James Nicholson**

**Motion for a resolution**  
**Paragraph 3 b (new)**

*Motion for a resolution*

*Amendment*

***3b. Notes the success of schemes whereby citizens are given the option of directly joining an organ-donor register when completing certain administrative procedures, such as applying for a passport or driving licence; urges the Member States to look into adopting such schemes with a view to increasing the numbers of people on donor registers;***

Or. en

## Amendment 12

Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer

### Motion for a resolution

#### Paragraph 4

##### *Motion for a resolution*

4. Considers that to ensure that organs available for therapy are not wasted, it is important that there **are no legal barriers** to their use and that society trusts the donation and transplantation system;

##### *Amendment*

4. Considers that to ensure that organs available for therapy are not wasted, it is important that there **is a clearly defined legal framework regarding** their use and that society trusts the donation and transplantation system;

Or. en

## Amendment 13

Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer

### Motion for a resolution

#### Paragraph 7 a (new)

##### *Motion for a resolution*

##### *Amendment*

**7a. Welcomes the activities of Eurotransplant and Scanditransplant, but notes that exchanges of organs outside these systems and between these systems can be significantly improved, especially for the benefit of patients in small countries;**

Or. en

## Amendment 14

Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer

### Motion for a resolution

#### Paragraph 9 (renumbering)

##### *Motion for a resolution*

**9.** Emphasises that the identification of potential donors has been considered one

##### *Amendment*

**6a.** Emphasises that the identification of potential donors has been considered one



of the key steps in the process of deceased donation; stresses that the appointment of a key donation person at hospital level (transplant donor coordinator), whose main responsibility is to develop a proactive donor detection programme and optimize the entire process of organ donation, is the most important step towards improving donor detection and organ donation rates;

of the key steps in the process of deceased donation; stresses that the appointment of a key donation person at hospital level (transplant donor coordinator), whose main responsibility is to develop a proactive donor detection programme and optimize the entire process of organ donation, is the most important step towards improving donor detection and organ donation rates;

Or. en

### **Amendment 15**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

#### **Motion for a resolution**

##### **Paragraph 10**

###### *Motion for a resolution*

10. Stresses that donation should be voluntary and altruistic, and take place in clearly defined legal and ethical contexts;

###### *Amendment*

10. Stresses that donation should be voluntary, ***unpaid*** and altruistic, and take place in clearly defined legal and ethical contexts;

Or. en

### **Amendment 16**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

#### **Motion for a resolution**

##### **Paragraph 12**

###### *Motion for a resolution*

12. Endorses measures which aim at protecting living donors and ensuring that organ donation is made altruistically and voluntarily, without any payment other than compensation which is strictly limited to ***cover*** the expenses ***and inconvenience relating*** to donation; urges Member States to define the conditions under which compensation may be granted;

###### *Amendment*

12. Endorses measures which aim at protecting living donors and ensuring that organ donation is made altruistically and voluntarily, without any payment other than compensation which is strictly limited ***to making good*** the expenses ***incurred in donating an organ, such as travel expenses, childminding costs, loss of earnings or recovery costs, prohibiting***

*any financial incentives or disadvantages for a potential donor*; urges Member States to define the conditions under which compensation may be granted;

Or. en

**Amendment 17**  
**Frédérique Ries**

**Motion for a resolution**  
**Paragraph 15**

*Motion for a resolution*

15. Stresses that continuous education should form an essential part of all Member States' communication strategies on the issue; in particular, suggests that people should be encouraged to speak about organ donation and to communicate their wishes about donation to their relatives; notes that only 41% of European citizens seem to have discussed organ donation within their families;

*Amendment*

15. Stresses that continuous education should form an essential part of all Member States' communication strategies on the issue; in particular, suggests that people should be ***better informed and*** encouraged to speak about organ donation and to communicate their wishes about donation to their relatives; notes that only 41% of European citizens seem to have discussed organ donation within their families;

Or. fr

**Amendment 18**  
**Frédérique Ries**

**Motion for a resolution**  
**Paragraph 15 a (new)**

*Motion for a resolution*

***15a. Encourages the Member States to make it easier for living persons to make explicit statements of willingness to donate organs by offering on-line enrolment in a national and/or European donors' register with a view to speeding up procedures for verifying consent to***

*donate organs;*

Or. fr

**Amendment 19**  
**Frédérique Ries**

**Motion for a resolution**  
**Paragraph 15 b (new)**

*Motion for a resolution*

*Amendment*

***15b. Calls, further, on the Member States to take steps to facilitate the inclusion, on national identity cards or driving licences, of references or symbols which identify the holder as an organ donor;***

Or. fr

**Amendment 20**  
**Frédérique Ries**

**Motion for a resolution**  
**Paragraph 17**

*Motion for a resolution*

*Amendment*

17. Calls on Member States to reach the full potential of deceased donation by establishing efficient systems for identifying organ donors and by promoting transplant donor coordinators in hospitals across Europe; asks Member States to evaluate ***the*** use of organs from 'expanded' criteria donors, ***taking into account*** quality and safety ***aspects***;

17. Calls on Member States to reach the full potential of deceased donation by establishing efficient systems for identifying organ donors and by promoting transplant donor coordinators in hospitals across Europe; asks Member States to evaluate ***and make more frequent*** use of organs from 'expanded' criteria donors, ***maintaining the highest*** quality and safety ***standards by exploiting, in particular, recent biotechnological advances which limit the risk of transplanted organs being rejected;***

Or. fr

## Amendment 21

Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer

### Motion for a resolution

#### Paragraph 17

##### *Motion for a resolution*

17. Calls on Member States to reach the full potential of deceased donation by establishing efficient systems for identifying organ donors and by promoting transplant donor coordinators in hospitals across Europe; asks Member States to evaluate the use of organs from "expanded" criteria donors, taking into account quality and safety aspects;

##### *Amendment*

17. Calls on Member States to reach the full potential of deceased donation by establishing efficient systems for identifying organ donors and by promoting transplant donor coordinators in hospitals across Europe; asks Member States to evaluate the use of organs from "expanded" criteria donors (*i.e. older donors or those who have certain diseases*), taking into account *donor and recipient protection and the* quality and safety aspects;

Or. en

## Amendment 22

Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer

### Motion for a resolution

#### Paragraph 18

##### *Motion for a resolution*

***18. Calls on Member States to explore the promotion of donation from living donors as a complement to deceased donations;***

##### *Amendment*

***18. Emphasises that living donation should be seen as subsidiary to post-mortem donations and should only serve as a last resort where no suitable alternative, such as organs from a deceased donor, is available; advises the Member States to allow living donation only among close relatives and between spouses owing to the implicit danger of exploitation; insists that Member States that extend living donation to other groups must have strict regulations in place to prevent any kind of pressure being exerted or payment being made for***

*the donation.*

Or. en

**Amendment 23**

**Oreste Rossi**

**Motion for a resolution**

**Paragraph 18**

*Motion for a resolution*

18. Calls on Member States to explore the promotion of donation from living donors as *a complement to* deceased *donations*;

*Amendment*

18. Calls on Member States to explore the promotion of donation from living donors *only as a last resort when no suitable alternatives, such as the availability of an organ from a deceased donor, are available*;

Or. it

**Amendment 24**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Paragraph 18 a (new)**

*Motion for a resolution*

*18a. Stresses that living donors should be treated in accordance with the highest medical standards and without any financial burden for themselves when a medical problem occurs which is caused by the transplantation process, and any loss of earning as consequence of the transplantation or any medical problem should be avoided. The donors should be protected against discrimination in the social system.*

*Amendment*

Or. en

**Amendment 25**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Paragraph 23**

*Motion for a resolution*

**23. Points out that there is a link between organ shortage and organ trafficking and trafficking in persons for the purpose of the removal of organs;** emphasises that any commercial exploitation of organs that denies an equitable access to transplantation is unethical, is inconsistent with the most basic human values, contravenes Article 21 of the Convention on Human Rights and Biomedicine and is prohibited under Article 3(2) of the EU Charter on Fundamental Rights; **stresses that increasing organ availability in the Member States will contribute to a better control of these practices by avoiding citizens of the Union having to search for an organ outside the EU and national legislative and ethical frameworks;**

*Amendment*

23. Emphasises that any commercial exploitation of organs that denies an equitable access to transplantation is unethical, is inconsistent with the most basic human values, contravenes Article 21 of the Convention on Human Rights and Biomedicine and is prohibited under Article 3(2) of the EU Charter on Fundamental Rights;

Or. en

**Amendment 26**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Paragraph 23 a (new)**

*Motion for a resolution*

**23a. Points out that the organ shortage and organ trafficking and trafficking in persons for the purpose of the removal of organs are linked in two ways: firstly, increased organ availability in the Member States would contribute to better monitoring of these practices, by obviating any need for EU citizens to consider seeking an organ outside the EU,**

*Amendment*

*and, secondly, illegal activity seriously undermines the credibility of the legal organ donation system:*

Or. en

**Amendment 27**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Paragraph 23 b (new)**

*Motion for a resolution*

*Amendment*

***23b. Repeats the recommendations on the fight against the organ trade made in the Adamou-report on organ donation and transplantation<sup>1</sup> and takes the view that these should be taken fully into account by the Commission when drafting the action plan; insists that awareness of the problem within the Commission and Europol needs to be increased;***

<sup>1</sup> *European Parliament resolution of 22 April 2008 on organ donation and transplantation: Policy actions at EU level (2007/2210 (INI))*

Or. en

**Amendment 28**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Paragraph 23 c (new)**

*Motion for a resolution*

*Amendment*

***23c. Emphasises the importance of the World Health Assembly to be held in May***

*2010 and urges the Commission and the Council to fight strongly at WHO level for the principle of voluntary and unpaid donation;*

Or. en

**Amendment 29**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Paragraph 23 d (new)**

*Motion for a resolution*

*Amendment*

*23d. Welcomes the joint Council of Europe/United Nations study on trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs;*

Or. en

**Amendment 30**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Paragraph 23 e (new)**

*Motion for a resolution*

*Amendment*

*23e. Notes the report by David Matas and David Kilgour entitled 'Bloody Harvest. The killing of the Falun Gong for their organs', and asks the Commission to present a report on the allegations made in the book to the European Parliament and the Council;*

Or. en



**Amendment 31**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Paragraph 24 a (new)**

*Motion for a resolution*

*Amendment*

***24a. Strongly rejects the behaviour of some health insurance organisations in encouraging patients to participate in transplant tourism and asks the Member States to monitor strictly and punish such behaviour;***

Or. en

**Amendment 32**

**Peter Liese, Miroslav Mikolášik, Anne Delvaux, Thomas Ulmer**

**Motion for a resolution**

**Paragraph 24 b (new)**

*Motion for a resolution*

*Amendment*

***24b. Emphasises that patients who have received an organ under illegal circumstances cannot be excluded from healthcare in the European Union; points out that as in any other case a distinction should be drawn between the punishment for illegal activity and the need for treatment;***

Or. en

**Amendment 33**

**James Nicholson**

**Motion for a resolution**

**Paragraph 26 a (new)**

*Motion for a resolution*

*Amendment*

***26a. Recognises the important role of post-transplantation care, including the appropriate use of anti-rejection therapies, in the success of transplants; acknowledges that optimum use of anti-rejection therapies can lead to improved long-term health for patients, graft survival and, hence, wider availability of organs owing to the reduced need for retransplantation, and asserts that Member States should ensure that patients have access to the best available therapies;***

Or. en