

16 March 2000

B5-0301/2000

MOTION FOR A RESOLUTION

further to the Commission statement

pursuant to Rule 37(2) of the Rules of Procedure

by the following Members: Liese, Palacio, Buttiglione, Posselt, Jeggle, Martens
and Lehne

on behalf of the PPE-DE Group

on the cloning of human beings

B5-0301/2000**European Parliament resolution on the cloning of human beings**

The European Parliament,

- having regard to the patent of the European patent office 0695351 University of Edinburgh,
 - having regard to European Parliament and Council Directive 98/44/EC on legal protection of biotechnological invention,
 - having regard to its resolutions of 12 March 1997 on cloning of animals and human beings and of 15 January 1998 on human cloning,
 - having regard to its resolutions of 16 March 1989, on the ethical and legal problems of genetic engineering¹ and on artificial insemination 'in vivo' and 'in vitro'²,
 - having regard to the Council of Europe's Convention for the protection of Human rights and the dignity of the human being with regard to the Application of Biology and Medicine ("Bioethics Convention") and Parliament's resolution of 20 September 1996 thereon and to the Additional Protocol to the Convention on the Prohibition of Cloning Human Beings,
- A. whereas in December 1999, the European patent office delivered a patent, including germ line intervention in human embryos and human embryos themselves, that could probably be used for the cloning of human beings,
- B. whereas the granting of this patent clearly infringes European Parliament and Council Directive 98/44/EC on legal protection of biotechnological invention,
- C. whereas the European Patent Office communicated that the granting of the patent was due to a translation mistake,
- D. whereas many people and organisations have announced or already submitted their objections to the patent,
- E. whereas the Commission declared that the implementation of European Parliament and Council Directive 98/44/EC on legal protection of biotechnological invention into national law will prevent the application of the patent,
1. Is deeply shocked about the granting of a patent to the University of Edinburgh, which includes a technique for the genetic modification of the germ line of human embryos and

¹ OJ C 96, 14.4.1989, p. 165.

² OJ C 96, 14.4.1989, p. 171.

of the embryos themselves, which could probably be used for the cloning of human beings;

2. Requests that the many objections against the patent be examined as soon as possible and that the patent be declared void by competent opposition bodies of the European Patent Office;
3. Requests immediate information on how this inexcusable mistake could have happened and requests that the Office takes the necessary consequences including proceedings against the department responsible;
4. Requests an immediate installation of an internal and external control system, so that patents in the sensitive area of the application of biotechnology on human beings are not granted unchecked;
5. Underlines its fundamental position regarding the application of biotechnology on human beings, especially the refusal of interventions in the human germ line, the refusal of cloning of human beings in all phases of its development and the refusal of the research on human embryos, which destroys the embryo;
6. Underlines the position that has been expressed again and again in the debate on the legal protection of biotechnological inventions, namely that the above mentioned techniques should not be patented and especially that the human being in all its phases of development shall not be the object of a patent;
7. Requests prompt implementation of the directive on the patenting of biotechnological inventions into national law and asks national legislators to recognise the limits fixed by the European Community - in particular regarding the ethically motivated limitation of the granting of patents - as a minimum standard;
8. Underlines that the development of modern biotechnology can bring a lot of opportunities but that the technique is only for the benefit of mankind, if clear ethically motivated limits are accepted;
9. Instructs its President to forward this resolution to the Council, the Commission, the Governments of Member States and the European Patent Office.