

EUROPEAN PARLIAMENT

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2009

Committee on Legal Affairs

2007/2210(INI)

28.2.2008

OPINION

of the Committee on Legal Affairs

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

on organ donation and transplantation: policy actions at EU level
(2007/2210(INI))

Draftsman: Giuseppe Gargani

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SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas organ donation and transplantation are complex and particularly sensitive issues, especially because of their important ethical dimension,
- B. whereas national policies and the regulatory framework for donations and transplantation vary substantially between Member States in accordance with different legal, cultural, administrative and organisational factors,
- C. whereas Article 152(4) of the EC Treaty enables Community measures to be adopted with a view to ensuring that transplantation systems are more efficient and accessible whilst fully respecting the principle of subsidiarity and, accordingly, the national provisions on donation or medical use of organs of each Member State;
 1. Believes that consideration should be given to the need for a legislative measure to ensure quality and safety standards at Community level on organ donation and transplantation alongside close cooperation between Member States taking into account the regulatory framework which already exists in the various EU Member States and the activities of other international organisations;
 2. Supports an appropriate Community legal instrument on organ donation and transplantation, following cost benefit analysis and comprehensive impact assessment, while taking into consideration the specificities of organ transplantation and the work carried out by the Council of Europe alongside strengthened cooperation between Member States by respecting their existing national provisions; stresses that any legislation should not add administrative burdens which divert resources from care and, given the shortage of organs for donation, must allow clinicians to continue to take a risk-based approach to assessing potential organ donors;
 3. Stresses that the aim of making transplantation systems more efficient and accessible by improving their safety and quality and ensuring greater organ availability, by respecting the principle of self-determination of the potential donor, cannot be pursued at the expense of the complex ethical issues relating to organ transplantation;
 4. Stresses that closer cooperation between Member States is vital; suggests that exchange of best practice in the field of donation and transplantation should be stepped up and calls for the setting up of a data bank at Community level for the purposes of donation and transplantation; asks Member States to consider removing restrictions on transportation of organs across borders, particularly in cases where the biological indicators of the organ in one country are in accordance with the required conditions of the organ in another country; considers that a flexible system between Member States for organ transplantation, organ exchange, organ importation and exportation could save many lives by allowing more people to find suitable donors;

5. Considers it would be advisable to provide for high standards in order to prevent any medical, surgical, psychological, social or ethical problems which might be encountered by live donors following the necessary tests to ascertain whether they are suitable donors and the medical treatment and surgical operations geared to donation, in order to minimise the risk to the donor;
6. Considers it necessary to ensure that deceased donors are suitably managed, by ensuring appropriate safety and quality standards for donated organs, for which purpose a system should be adopted whereby consent for removal is always assumed except in the case of express refusal on the part of the donor; considers that no-one may contradict the wishes of a donor expressed in this way, not even a spouse or first-degree relative;
7. Asks Member States to analyse the benefits of implementing a donation system of 'presumed consent' as a means to achieve greater numbers of organ transplantations. Considers that this system fully preserves donor's consent as citizens can consider whether to remain within the system or opt out;
8. Believes it is necessary to ensure that a suitable balance is struck between the protection of the donor in respect of anonymity, confidentiality and the traceability of organ donations, in order to prevent remuneration, trade and trafficking in organs.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	26.2.2008
Result of final vote	+: 22 -: 0 0: 0
Members present for the final vote	Titus Corlăţean, Monica Frassoni, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Neena Gill, Pii-Noora Kauppi, Klaus-Heiner Lehne, Katalin Lévai, Antonio López-Istúriz White, Hans-Peter Mayer, Manuel Medina Ortega, Hartmut Nassauer, Aloyzas Sakalas, Francesco Enrico Speroni, Diana Wallis, Rainer Wieland
Substitute(s) present for the final vote	Vicente Miguel Garcés Ramón, Sajjad Karim, Georgios Papastamkos, Gabriele Stauner, József Szájer, Jacques Toubon