

EUROPEAN PARLIAMENT

2004



2009

Committee on Civil Liberties, Justice and Home Affairs

2007/2210(INI)

28.2.2008

OPINION

of the Committee on Civil Liberties, Justice and Home 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))

Draftswoman: Edit Bauer

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SUGGESTIONS

The Committee on Civil Liberties, Justice and Home 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 there are more than 60 000 patients in need of transplants on waiting lists across Europe, and whereas a significant number of patients die as a result of the chronic shortage of organs;
 - B. whereas there is currently no comprehensive European Union database collecting all necessary data on organs earmarked for donations and transplants or on living and deceased donors from the national databases/registries and international organisations of Member States;
 - C. whereas four Member States have still not ratified the United Nations Convention against Transnational Organized Crime, five Member States have not ratified its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ("the Palermo Protocol"), and nine Member States have not ratified the UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
 - D. whereas although current estimates put organ trafficking at a relatively low level among all forms of trafficking, trafficking in organs and tissues is becoming an increasing global problem which occurs within and across national borders and is demand-driven (estimation of 150-250 cases/year in Europe);
 - E. whereas trafficking in organs and tissues is a form of trafficking in human beings, which entails serious violations of fundamental human rights, and in particular of human dignity and physical integrity, and can undermine citizens' confidence in the legitimate transplantation system, which may lead to further shortage of supply of voluntarily donated organs and tissues;
 - F. whereas experience shows that the legal systems requiring consent "opt-in" or "opt-out" do not produce profoundly different results in organ procurement and transplantation;
1. Welcomes the Commission's initiative to prepare a legal framework on safety and quality for donation and transplantation, and calls for minimum standards of requirements to be defined in a flexible manner, bearing in mind that transplantation could be a life-saving treatment for the patient, in which case a risk level even higher than that for tissues and cells can be accepted;
 2. Asks Member States to sign, ratify and implement the Council of Europe Convention on Action against Trafficking in Human Beings and the Palermo Protocol if they have not already done so;

3. Asks the Commission and the Council to update the Action Plan on Trafficking in human beings and include in it an action plan for the fight against trafficking in organs, in order to enable closer cooperation among the authorities concerned;
4. Calls, in addition, for the action plan to make reference to data which are correct and verified concerning the quantities, types and origin of illegally-trafficked organs;
5. Calls on the Member States to exchange best practices and information regarding organ donation and transplantation, highlighting in particular the positive experiences and results of organ procurement and transplantation in Spain;
6. Urges the Member States to maintain and strengthen the transparency and safety management of waiting lists, imposing a clear requirement for tracking irregularities and maintaining the traceability of organs, while ensuring anonymity for both donors and recipients;
7. Urges the Member States to give general practitioners a proactive role in talking to their patients in order to enable them to make an informed choice concerning donor registration, and to allay unjustified fears and thereby increase the number of donors;
8. Urges the Member States to adopt or maintain strict legal provisions in connection with transplantation from unrelated living donors, in order to make the system transparent and exclude the possibility of illicit organ selling or coercion of donors; thus, donations by unrelated living donors could only be made under the conditions defined in national law and following authorisation by a suitable independent body;
9. Asks the Commission, in relation to third countries, to fight against the practice of organ and tissue trafficking, which should be universally banned, including the transplantation of organs and tissues from minors, from the mentally disabled or from executed prisoners; calls on the Commission and the Member States to raise the awareness of the international community on this issue;
10. Urges the Member States, where necessary, to amend their criminal codes to ensure that those responsible for organ trafficking are adequately prosecuted, including sanctions for medical staff involved in transplantation of organs obtained from trafficking, while making every effort to discourage potential recipients from seeking trafficked organs and tissues; this should include the consideration of criminal liability of European citizens who have purchased organs inside or outside the Union;
11. Encourages the Commission and the Member States to cooperate with "donor" countries with the support of Europol and Interpol to carry out necessary surveys, to detect cases of organ trafficking and to dismantle trafficking networks;
12. Calls on the Member States to take the necessary steps to restrain healthcare professionals from facilitating organ and tissue trafficking (i.e. referring a patient to a foreign transplant service, which might be involved in trafficking) as well as health insurance providers from facilitating - financially or otherwise - activities that directly or indirectly promote trafficking in organs;

13. Calls on the Member States to ensure that all tissue and organ donations by a living person are subject to their express full legal consent;
14. Urges the Member States to ensure that living donors will not be discriminated against, in particular by insurance systems;
15. Urges Member States to ensure the reimbursement of the social security costs of living donors;
16. Stresses the importance of financing organ procurement and transplantation under a dedicated budget line, so as not to make transplantation a disincentive for hospitals;
17. Calls on the Commission and the Member States to encourage and support research in the field of organ and tissue transplantation;
18. Calls on the Commission and the Member States to raise public awareness of the necessity of organ donation via a suitable awareness-raising campaign at European level; welcomes the Commission's initiative to launch the European Donor Card that could also serve as one of the tools for raising public awareness; calls on the Member States to support this initiative;
19. Calls on the Commission to take into consideration the further development and expansion of the existing European web page on organ donation www.eurodonor.org (and/or www.eurocet.org), as well as that of the WHO (www.transplant-observatory.org), on all EU Member States in all official EU languages, with the aim to provide all relevant information and data on organ donation and transplantation;
20. Calls on the Commission and the Member States to launch a pan-European database and communication network or to support an existing one in order to interconnect the national databases and provide them with a platform for fast exchanges of comprehensive data on organ donations and transplantations and on living and deceased donors;
21. Considers that the Member States should ensure the training of their law enforcement agencies as well as medical staff on trafficking in organs in order to report each known case to the police.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	27.2.2008
Result of final vote	+: 48 -: 0 0: 1
Members present for the final vote	Philip Bradbourn, Mihael Brejc, Kathalijne Maria Buitenweg, Giusto Catania, Jean-Marie Cavada, Carlos Coelho, Esther De Lange, Panayiotis Demetriou, Gérard Deprez, Bárbara Dührkop Dührkop, Claudio Fava, Armando França, Urszula Gacek, Kinga Gál, Roland Gewalt, Lilli Gruber, Jeanine Hennis-Plasschaert, Livia Járóka, Ewa Klamt, Magda Kósáné Kovács, Wolfgang Kreissl-Dörfler, Stavros Lambrinidis, Roselyne Lefrançois, Sarah Ludford, Viktória Mohácsi, Claude Moraes, Javier Moreno Sánchez, Rareş-Lucian Niculescu, Luciana Sbarbati, Inger Segelström, Csaba Sógor, Søren Bo Søndergaard, Vladimir Urutchev, Ioannis Varvitsiotis, Renate Weber, Manfred Weber, Tatjana Ždanoka
Substitute(s) present for the final vote	Edit Bauer, Maria da Assunção Esteves, Anne Ferreira, Genowefa Grabowska, Sophia in 't Veld, Metin Kazak, Marian-Jean Marinescu, Marianne Mikko, Bill Newton Dunn, Hubert Pirker, Nicolae Vlad Popa, Eva-Britt Svensson