



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Legal Affairs

2009/2104(INI)

29.1.2010

OPINION

of the Committee on Legal Affairs

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

on the Report on the Commission communication entitled ‘Action plan on Organ Donation and Transplantation (2009-2015): Strengthened Cooperation between Member States’
(2009/2104(INI))

Rapporteur: Eva Lichtenberger

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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 the needs of patients for transplantation in Europe are not being met owing to the limited number of organs available from both deceased and altruistic living donors,
- B. whereas national policies and the regulatory framework for donations and transplantation vary substantially between Member States according to different legal, cultural, administrative and organisational factors,
 - 1. Calls on the Commission to verify, *inter alia* through the data contained in its own impact assessment (SEC(2008)2956), whether divergences between national laws as regards the different systems of consent to a donation from a deceased person constitute an obstacle to organ donation;
 - 2. Asks the Member States to analyse the benefits of implementing a donation system of 'presumed consent' as a means of bringing about greater numbers of organ transplantations; considers that such a system fully preserves donors' freedom of consent, as citizens can choose whether to remain within the system or opt out;
 - 3. Stresses that closer cooperation between the Member States is vital; suggests that exchanges of best practice in the field of donation and transplantation be stepped up; asks the Member States to consider lifting restrictions on the transportation of organs across borders; considers that the existence among the Member States of a flexible system for the transplantation, exchange, import and export of organs could save many lives by allowing more people to find suitable donors;
 - 4. Underlines the importance of raising public awareness of organ donation and transplantation, since this can facilitate the identification of organ donors and thus increase the availability of organs; accordingly, calls on the Commission, the Member States and civil society structurally to enhance the promotion of organ donation;
 - 5. Believes it is necessary to ensure that a suitable balance is struck between, on the one hand, the protection of the donor in terms of anonymity and confidentiality and, on the other hand, the ability to trace organ donations for medical purposes, in order to prevent the remuneration of organ donation and trading and trafficking in organs;
 - 6. Underlines that organ trafficking, transplant commercialism and transplant tourism violate the principles of equity, justice and respect for human rights, and undermine the ethics of altruistic donation;
 - 7. Stresses that the Member States should intensify their cooperation under the auspices of Interpol and Europol in order to address the problem of trafficking in organs more effectively;

8. Believes that combating organ trafficking should not remain the responsibility of the European Union alone. The Member States should also take measures to that end, including reducing demand, promoting organ donation more effectively, maintaining strict legislation in regard to live unrelated donors, guaranteeing transparency of national registers and waiting lists, establishing the legal responsibility of the medical profession for tracking irregularities, and sharing information;
9. Calls on the Member States to introduce standard operating procedures for tracing unethical or illegal activities and limiting the risk of such activities, particularly in connection with decisions on organ procurement and transplantation.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	28.1.2010
Result of final vote	+: 22 -: 0 0: 0
Members present for the final vote	Raffaele Baldassarre, Sebastian Valentin Bodu, Christian Engström, Marielle Gallo, Lidia Joanna Geringer de Oedenberg, Klaus-Heiner Lehne, Antonio Masip Hidalgo, Jiří Maštálka, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Alexandra Thein, Diana Wallis, Cecilia Wikström
Substitute(s) present for the final vote	Piotr Borys, Sajjad Karim, Vytautas Landsbergis, Kurt Lechner, Eva Lichtenberger, Toine Manders, Arlene McCarthy