

European Communities

---

EUROPEAN PARLIAMENT

# Working Documents

1983-1984

---

5 April 1983

DOCUMENT 1-94/83

## Report

drawn up on behalf of the Committee on the Environment,  
Public Health and Consumer Protection

on organ transplants

Rapporteur: Mr A. DEL DUCA

PE 82.540/fin.



At its sitting of 8 April 1981 the European Parliament decided, pursuant to Rule 47 of its Rules of Procedure to refer the motion for a resolution tabled by Mrs Krouwel-Vlam (Doc. 1-107/81) to the Committee on the Environment, Public Health and Consumer Protection.

At its meeting of 26 November 1981 the committee decided to draw up a report and appointed Mr Del Duca rapporteur.

It considered the draft report at its meetings of 3 November 1982, 23 February 1983 and 17 March 1983 and, at the latter meeting, adopted the motion for a resolution unanimously.

The following took part in the vote: Mr Collins, chairman; Mrs Weber, vice-chairman; Mr Del Duca, rapporteur; Mr Bombard, Mr Ghergo, Mrs Krouwel-Vlam, Mrs Lentz-Cornette, Mr Mertens (deputizing for Mr Alber), Mr Nordmann, Mr Provan (deputizing for Mr Forth), Mrs Schleicher and Mr Sherlock.

The report was tabled on 23 March 1983.

C O N T E N T S

	<u>Page</u>
A. MOTION FOR A RESOLUTION .....	5
B. EXPLANATORY STATEMENT .....	7
ANNEX: Motion for a resolution tabled by Mrs Krouwel-Vlam on organ transplants (Doc. 1-107/81) .....	9

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on organ transplants

The European Parliament,

- having regard to the motion for a resolution by Mrs Krouwel-Vlam (Doc. 1-107/81),
- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-94/83),
- A. having regard to the resolution on organ banks<sup>1</sup> adopted by the European Parliament on 27 April 1979,
- B. having regard to its written questions Nos. 258/79, 1244/79, 142/81, 499/81, 546/81 and 1027/81<sup>2</sup>,
- C. whereas in 1977 the Commission undertook a study into the technical possibilities of establishing links between the European organ transplant centres,
- D. having regard to the United Nations' report at the 1968 meeting on organ... transplants in Montreal, Resolution (78) 29 adopted by the Committee of Ministers of the Council of Europe (11 May 1978) and Recommendation R (79) 5 adopted by the Committee of Ministers of the Council of Europe (14 March 1979),
- E. whereas comparative law shows that almost all European countries now have legislation on this subject,
- F. deploring the continued absence at European level of rules aimed at coordinating organ banks and facilitating access to them,

<sup>1</sup> OJ No. C 127, 21.5.1979, p. 71

<sup>2</sup> OJ Nos. C 261/79, C 80/80, C 165/81, C 222/81, C 247/81 and C 338/81

1. Calls on the Commission in the light of the study being carried out by the Council of Europe, to draw up within one year rules designed to improve coordination and cooperation between European organ banks;
  
2. Instructs its President to forward this resolution to the Council and Commission of the European Communities and to the governments of the Member States.

EXPLANATORY STATEMENT

1. The motion for a resolution tabled by Mrs Krouwel-Vlam (Doc. 1-107/81) provided the impetus for the Committee on the Environment, Public Health and Consumer Protection to focus its attention once again on the harmonization of legislation relating to transplants and on the question of cooperation between and improved access to organ banks.
2. Parliament had already had occasion to deliberate on these matters in connection with the tabling on 4 April 1979 of an own-initiative report (Doc. 24/79) drawn up by Mrs Krouwel-Vlam on behalf of the former Committee on the Environment, Public Health and Consumer Protection. That report provided a clear account of the actual situation, aims and resources and Community measures already taken in the matter of the donation of organs.
3. Anticipating the legislation being formulated in a number of Member States at that time and in the belief that this arrangement constituted the most effective means of saving human lives, on 27 April 1979 Parliament expressed its preference for the 'no objection' formula but with the proviso that it should incorporate adequate guarantees that the individual's wishes were respected.
4. Since that time the attention of the Commission has been drawn to these matters on several occasions in Oral and Written Questions by Mrs Schleicher<sup>1</sup>, Mr Berkhouwer and Mr Geurtsen<sup>2</sup>, Mr Caillavet<sup>3</sup>, Mr Pedini<sup>4</sup>, Mr Cousté<sup>5</sup>, Mrs Squarcialupi<sup>6</sup> and Mr Herman<sup>7</sup>.
5. These questions related chiefly to the hesitation shown by the Commission as regards the establishment of Community-level coordination of information campaigns concerning the donation of organs, cooperation between organ banks, the introduction of legislation on transplants and the related implementing provisions.

---

<sup>1</sup> H 288/81 Debates 1-273  
<sup>2</sup> WQ 258/79 - OJ No. C 261/79  
<sup>3</sup> WQ 244/79 - OJ No. C 80/80  
<sup>4</sup> WQ 142/81 - OJ No. C 165/81  
<sup>5</sup> WQ 499/81 - OJ No. C 222/81  
<sup>6</sup> WQ 546/81 - OJ No. C 247/81  
<sup>7</sup> WQ 1027/81 - OJ No. C 338/81

6. For the foregoing reasons the committee takes the view that the question of European provisions on transplants must be re-examined. It considers that in the near future (i.e. within one year) the European Commission should draw up rules designed to improve coordination and cooperation between European organ banks.



MOTION FOR A RESOLUTION (DOCUMENT 1-107/81)  
tabled by Mrs KROUWEL-VLAM  
pursuant to Rule 25 of the Rules of Procedure  
on organ transplants

The European Parliament,

- having regard to the motion for a resolution (24 April 1979) on organ banks, which it adopted by an overwhelming majority, at its sitting of 27 April 1979,
  - whereas the problems referred to in this resolution regarding the inadequate help given to patients requiring a transplant operation are still unresolved,
  - whereas the recommendation of the Council of Europe on the introduction of a system based on the 'no objection' formula has not led to a change in the relevant laws of the Member States,
  - whereas it was clear from the Commission's reply that it shares the view of Parliament and its committee,
  - noting that, since April 1979, the European Parliament has not been consulted on any proposal for a directive on the approximation of the laws of the Member States in the field of organ transplants,
  - reaffirming its support for the adoption of the 'no objection' formula, as applied in one of the Member States, provided there is always a guarantee that the individual's wishes will be respected,
  - expressing its disappointment that there are still no Community rules regarding link-up between organ banks and easier access to them,
  - considering that such provisions could help to engender greater European awareness on the part of the citizens of the Community and make a substantial contribution to public health at very little cost,
1. Calls on the Commission to submit to it, within six months, a proposal for a directive on transplant rules and the associated detailed implementing arrangements and to draw up during the same period a regulation on linking up existing organ banks and those still to be set up;
  2. Calls on its responsible committee to adopt measures at the end of this six-month period to establish such a link-up between organ banks and harmonize the laws of the Member States in the field of transplants in the near future;
  3. Instructs its President to forward this resolution to the Council and the Commission of the European Communities and to the governments of the Member States.

