



HELLENIC PARLIAMENT

JOINT SESSION

- **STANDING COMMITTEE FOR SOCIAL AFFAIRS**
- **SPECIAL STANDING COMMITTEE ON EUROPEAN AFFAIRS**

On Tuesday, February 3, 2009 at 13.00hs, the aforementioned committees of the Hellenic Parliament convened at a Joint Session in order to adopt an

OPINION

on the Proposal for a Directive of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation COM (2008) final,

in accordance to:

- The decision made during the 37th Conference of Presidents and of Committees on European Affairs (COSAC) in Berlin, in May 2007, by means of which all parliaments of member-states are encouraged to proceed to 2 subsidiarity and proportionality controls per year,
- The decision made during the Conference of Presidents of Committees on European Affairs (COSAC) in Paris, on July 7 2008, which was reiterated as well during the Conference of Committees on European Affairs on November 3 and 4, concerning the selection of the aforementioned proposal for a Directive for conducting control on observing the proportionality and subsidiarity principle.

The members of the aforementioned Committees, having considered,

- The Communication from the Commission “Action plan on Organ Donation and Transplantation (2009-2015): Strengthened Cooperation between Member States” [COM(2008) 819 final]
- Commission staff working document accompanying the Proposal for a Directive of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation and the Communication from the Commission “Action plan on Organ Donation and Transplantation (2009-2015): Strengthened Cooperation between Member States - Summary of the impact assessment” [SEC(2008) 2957]
- The publications by the Directorate General for Health and Consumer Protection of the Commission (DG SANCO) “Key facts and figures on EU organ donation and transplantation” and “Useful EU information on organ donation and transplantation”
- The Commission’s Communication to the European Parliament and the Council “Organ Donation and Transplantation: Policy Actions at EU level” COM (2007) 275 final
- Commission staff working document - Accompanying document to the Communication from the Commission to the European Parliament and the Council - Organ donation and

transplantation: policy actions at EU level - Summary of the Impact Assessment [SEC(2007) 705]

- The oral rapport by the Deputy Minister for Health and Social Solidarity mr. Georgios Papageorgiou and the representative of the National Organisation for Transplantations mrs. Athina Gombou

Concluded to the following ascertainties:

- The proposal for a Directive complements our country's existing legal framework with useful –concerning the health of both organ donors and of recipients-quality standards and safety rules during the whole procedural chain conducting the transplantation process, whereas it does not in any case touch upon legal aspects related to the moral side of the issues, such as the absence of any kind of profiteering , the anonymisation, the protection of personal data, which, at the present case, are repeated as well in the draft directive. Neither does it enter into requirements relating to organ procurement consent granting and authorization process, the selection of which remains in the authority and jurisdiction of member-states (article 14).
- Given the increased demand for human organs intended for transplantation and the limited supply of donors and organs, forcing patients to resort outside state borders in order to find solution to their problem, the establishment of a common pan-european frame on safety and implementation of high quality standards, as well as the setting up of a network for cooperation and information exchange between the European states' competent authorities are deemed as absolutely necessary in order to guarantee for a high level of public health.
- **The proposal for a Directive does not in any way infringe upon the subsidiarity principle**, since in the case in question the Union takes action within its limits of jurisdiction. Article 152 of the Treaty on the European Union stipulates explicitly that: *Community action, which shall complement national policies, shall be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health.*

Moreover, the selection of a Directive as legal means leaves member-states with room to take further measures towards that direction if desired, whereas there is a possibility for selection of penalties applicable in case of legislation infringement.

It is noteworthy that the proposal for a Directive completes the legal frame already established by means of the respective Directive concerning human tissues and cells (2004/23), which has been transposed into Greek law by the Presidential Decree 26/24.3.08.

- **The proposal is also consistent with the proportionality principle**, since the utmost good of health and prolongation of life impose the undertaking of any possible action.

For all the reasons mentioned above, the Committees on Social Affairs and European Affairs of the Hellenic Parliament,

Call the Government

- To support the proposal for a Directive at the Council, and,
- Should it be adopted and its implementation proceed at a national level, to be accompanied by strict penalties against offenders, as well as by public awareness

measures, with a view to, on the one hand minimize cases of human organ trafficking and of uncontrolled organ removal or transplantation and, on the other hand to strengthen the sense of trust of potential donors, so that their number is increased.