Action plan on organ donation and transplantation (2009-2015): strengthened cooperation between Member States

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The Committee on the Environment, Public Health and Food Safety adopted the own-initiative report drawn up by Andres PERELLO RODRIGUEZ (S&D, ES), in which it welcomes the Commission Communication: Action Plan on Organ Donation and Transplantation (2009-2015) adopted by the Commission in December 2008.

Members recall that this Action Plan sets out a cooperative approach between Member States in the form of a set of priority actions based on the identification and development of **common objectives** and the **evaluation of donation and transplantation activities** through agreed indicators that might help to identify benchmarks and best practices.

According to Members, the following main principles should be respected:

Organ-donor register: Members note the success of schemes whereby citizens are given the option of directly joining an organ-donor register when completing certain administrative procedures, such as applying for a passport or driving licence. They urge the Member States to look into adopting such schemes and to make it easier for living persons to make explicit **statements of willingness** to donate organs by offering on-line enrolment in a national and/or European donors' register with a view to speeding up procedures for verifying consent to donate organs. They also call on the Member States to take steps to facilitate the inclusion, on national identity cards or driving licences, of references or symbols which identify the holder as an organ donor.

Members also note that, although several Member States have introduced compulsory registration of transplant procedures and some voluntary registries also exist, **no comprehensive system exists to collect data on the different types of transplantation** and their outcomes. They strongly support, in consequence, the creation of national and EU-wide registers as well as the establishment of a methodology to compare the results of existing post-transplant follow-up registers of organ recipients in compliance with the existing European legal framework on the protection of personal data.

Donor identification:Members emphasise that the identification of potential donors has been considered one of the key steps in the process of deceased donation. They stress that the appointment of a key donation person at hospital level (transplant donor coordinator), whose main responsibility is to develop a proactive donor detection programme and optimise the entire process of organ donation, is the most important step towards improving donor detection and organ donation rates.

Exchange of organs between Member States: Members take note of the importance of the cross-border exchange of organs, given the need to match donors with recipients and the consequent importance of a large donor pool to cover the needs of all the patients on the waiting lists. They consider that if there is no exchange of organs between Member States, then recipients that need a rare match will have very low chances of receiving an organ, while at the same time specific donors will not be considered because there is not a suitable recipient on the waiting lists. They welcome the activities of Eurotransplant and Scanditransplant, but note that exchanges of organs outside these systems and between these systems can be significantly improved, especially for the benefit of patients in small countries.

Towards a legal framework and common binding standards:to ensure that organs available for therapy are not wasted, Members consider that a clearly defined legal framework regarding their use and that society trusts the donation and transplantation system should be put in place. The exchanging of information and best practice among Member States will help countries with low organ availability to improve their donation rates. Members stress that the establishment of **common binding standards of quality and safety** will be the only mechanism that can ensure a high level of health protection throughout the EU. They also stress that the establishment of well-structured operational systems and the promotion of successful models at a national level are of the utmost importance and suggest that operational systems should comprise an adequate legal framework, technical and logistic infrastructure, and organisational support coupled with an effective allocation system.

Improve the quality and safety of donations: Members recognises that it is vitally important to improve the quality and safety of organ donation and transplantation. They point out that this will have an impact on reducing transplant risks and will consequently reduce adverse effects. They ask the Commission to help Member States to develop their capacity in creating and developing regulatory frameworks and to promote the development of **quality improvement programmes for organ donation in every hospital** where there is potential for organ donation.

Unpaid and voluntary donation: Members emphasise that any commercial exploitation of organs that denies equitable access to transplantation is unethical, therefore, they stress that donation should be **voluntary and unpaid**, and take place in clearly defined legal and ethical contexts. They call on Member States to ensure that a legal basis for ensuring **valid consent or objection** to organ donation by a deceased person or his/her relatives is clearly defined. Members endorse measures which aim at protecting living donors and ensuring that organ donation is made altruistically and voluntarily, without any payment other than compensation which is strictly limited to making good the expenses incurred in donating an organ, such as travel expenses, childminding costs, loss of earnings or recovery costs, prohibiting any financial incentives or disadvantages for a potential donor. They urge Member States to define the conditions under which compensation may be granted.

Donations from living donors: Members emphasise that living donation should be seen as **complementary to post-mortem donations**. They advise the Member States to allow living donation only among family members, close relatives and between spouses and people with whom the donor has a close personal relationship, owing to the implicit danger of exploitation. They insist that especially Member States that extend living donation to groups where there is no personal relationship must have strict regulations in place to prevent any kind of pressure being exerted or payment being made for the donation. Members stress that living donors should be treated in accordance with the highest medical standards and without any financial burden for themselves when a medical problem occurs which is caused by the transplantation process, and any loss of earning as consequence of the transplantation or any medical problem should be avoided.

Educate, raise-awareness and communication: Members call on Member States to improve the knowledge and communication skills of health professionals and patient support groups on organ transplantation. They call on the Commission, the Member States and civil society organisations to take part in this effort to raise public awareness of the possibility of organ donation whilst taking into account the cultural particularities of each Member State. Members stress that continuous education should form an essential part of all Member States' communication strategies on the issue. In particular, they suggest that people should be better informed and encouraged to speak about organ donation and to communicate their wishes about donation to their relatives. They note that only 41% of European citizens seem to have discussed organ donation within their families.

Combat organ trafficking: Members underline that the non-availability of organs is linked to illegal organ trafficking and the trafficking of persons. They repeat the recommendations on the fight against the organ trade made in the Adamou report on organ donation and transplantation and take the view that these

should be taken fully into account by the Commission when drafting the action plan. Member States are urged to establish mechanisms to avoid a situation where healthcare professionals, institutions or insurance companies encourage citizens of the Union to acquire an organ in third countries through practices involving trafficking in organs or in persons for the purpose of the removal of organs. They strongly reject the behaviour of some health insurance organisations in encouraging patients to participate in **transplant tourism** and asks the Member States to monitor strictly and punish such behaviour intensify their cooperation under the auspices of Interpol and Europol in order to address the problem of trafficking in organs more effectively.