



EUROTRANSPLANT

Legislation within the Eurotransplant region

Currently, most countries within Eurotransplant have legislation in the area of organ donation. This reflects the national public interest in caring for their transplant patients, setting clear standards for brain death determination and prohibiting commerce in this area. Since the Eurotransplant organization was founded, all member countries have installed donation- and organ transplant legislation. Gradually this has led to more governance, more accountability and more complexity of the cooperation system. In the following paragraphs the cornerstone principles of the various legislations are explained.

Improving organ donation by becoming an organ donor

Transplantation has become a successful routine procedure for people suffering from end-stage organ failure. The greatest limitation to its further success is the lack of suitable donors.

As transplantation has developed it has been important that the procedures for organ donation and transplantation have been regulated. In most western countries there is a formal legal framework in place. An adequate definition of brain death, a position regarding consent to organ donation as well as mechanisms to avoid the commercialization of organ transplantation should be included in this framework.

Systems of organ donation

There are three current systems of organ donation:

- *Presumed consent*
This means that organ donation is automatically considered in patients diagnosed brain dead, unless they have specifically registered their wish not willing to donate. However, in some countries with a presumed consent law, doctors will still ask permission from relatives.
- *Informed consent*
This is a voluntary system of organ donation whereby relatives give permission at the time of death, usually in the knowledge that the potential donor had expressed a wish to become a donor.
- *Required request*
In the USA, physicians in charge of potential donors are required to ensure that someone speaks to the family about organ donation.

The table explains the existing legal framework for organ donation in Eurotransplant.

Country	Donor's legal situation - Legislation -	
Austria	Presumed consent	
Belgium	Presumed consent	
Croatia	Presumed consent	
Germany		Informed consent
Luxemburg	Presumed consent	
The Netherlands		Informed consent
Slovenia		Informed consent



EUROTRANSPLANT

Austria

In Austria every person is a potential organ donor. People who object to organ donation, must register their data in the Widerspruchsregister, a databank of the Österreichisches Bundesinstitut für Gesundheitswesen (the Austrian health authorities). In practice, the next of kins opinions are also taken into account. Moreover, brain death is a condition for organ donation.

For more information, please contact the Österreichisches Bundesinstitut für Gesundheitswesen (ÖBIG):

Stubenring 6

A-1010 Vienna

Austria

tel.: +43 1 5156170

fax: +43 1 5138472

Website: www.oebig.at

Belgium

Belgium has had a law on organ donation since 1986. It states that every person, not objecting to organ donation during his lifetime, is automatically a potential donor. Immediately on its introduction, there was a substantial increase in the number of donors. In the past few years, however, the number of donors has stabilized. Also in Belgium the next of kins opinions are taken into consideration.

For more information, please contact the Belgian Transplant Society (BTS):

Secretariat

Tel.: +32 3 821 3421

Fax: +32 3 829 0100

Website: www.transplant.be

E-mail: info@transplant.be

Croatia

In December 2004, the Act on explantation and transplantation of the parts of the human body for therapeutic purposes passed the Croatian parliament. Every person is a potential donor unless he had objected to it in writing during his life. However, the opinion of the family is decisive. The Ministry of Health and Social Welfare keeps a non-donor register.

For more information, please contact Ministry of Health and Social Welfare

10 000 Zagreb, Ksaver 200 A,

Croatia

Tel: + 3851 4607538

Fax: + 3851 4677105

Website: www.mzss.hr

Luxemburg

Luxemburg supports the presumed consent principle on organ donation. Since there is no central registry, the family is asked if the donor has opposed against donation. Brain death is a condition for organ donation.

For more information, please contact Luxembourg-Transplant

Tel.: +352 4411 2022

Fax: +352 4413 24

or Ministere de la Santé, Division de la Medecine Preventive et Sociale

Tel.: +352 478 5562

Fax: +352 46 79 67

Germany



EUROTRANSPLANT

On June 25, 1997 the Deutscher Bundestag, the German federal parliament, approved a bill regulating organ transplants. Organs may be removed from a donor at the moment of total brain death, which must be confirmed by two independent doctors. Furthermore, a previous informed consent is required from the donor through a standard donor card or through verbal or written consent in the hospital. In its absence, a relative or partner may give his or her consent, but may not oppose any known wishes of the donor. On the subject of live donors the law is very strict: only a patient's close relatives or spouse may donate kidneys or part of the liver. The sale of organs has been banned.

For more information, please contact the Deutsche Stiftung Organtransplantation (DSO):

Emil von Behring-Passage

63263 Neu Isenburg

Germany

Tel.: +49 6102 3008 0

Fax: +49 6102 3008 188

General information, tel.: 0800 90 40 400

Website: www.dso.de

E-mail: presse@dso.de

The Netherlands

In 1996 the Dutch parliament ratified a law concerning organ donation which was implemented as of September 1, 1998. This included a national Donor Registry. A donor form has been sent to all residents over the age of 18 in which the following can be indicated: a yes or no decision, or the option of empowering the next of kin or another person to make the decision. Information filed in the Donor Registry can be revoked at any time. Doctors are obliged to consult the Donor Registry in case a deceased person seems to be a suitable donor. Should anyone not have made any arrangements by means of his registration form, then that right is transferred to his next of kin. In addition to the Donor Registry, also the donor card remained a legal document.

For more information, please contact NTS-Donorvoorlichting:

P.O. Box 2304

2301 CH Leiden

The Netherlands

tel: +31 900 821 21 66

Website: www.donorvoorlichting.nl

Slovenia

In the spring of 2000, a law on organ donation has passed the Slovenian parliament. Every person is a potential organ donor, however the opinion of the family is decisive. Information can be obtained via the transplant coordinator in the local hospital.