

Legislation within the Eurotransplant region

Currently, all countries within Eurotransplant have legislation in the field 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.

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
Austria	Presumed consent
Belgium	Presumed consent
Croatia	Presumed consent
Germany	Informed consent
Hungary	Presumed consent
Luxembourg	Presumed consent
The Netherlands	Presumed consent*
Slovenia	Presumed consent

*As per July 1, 2020, the donor's legal situation in the Netherlands has been changed into **presumed consent**