

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (79) 5

OF THE COMMITTEE OF MINISTERS TO THE MEMBER STATES CONCERNING INTERNATIONAL EXCHANGE AND TRANSPORTATION OF HUMAN SUBSTANCES

*(Adopted by the Committee of Ministers on 14 March 1979
at the 301st meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, in particular through common action in social, scientific, legal and administrative fields ;

Considering that the substantial increase in recent years in the treatment of patients by transplantation or grafting of removed or collected human organs, tissues or other substances and the increasing demand for such organs, tissues and substances, has also increased the need for wider international co-operation in this field ;

Considering that the increasing demand for human substances, as well as information as to the demand for them and their availability, must be further facilitated by common action of the member states in order to make them available in due time and condition ;

Considering Resolution (78) 29 on harmonisation of legislation of member states relating to removal, grafting and transplantation of human substances,

A. Recommends to the governments of member states :

I. to take all appropriate measures :

1. to facilitate the international exchange and transportation of substances indicated under paragraph II below ;

2. to ensure the safe, speedy and priority transport of these substances. For these reasons all containers of substances shall clearly indicate their contents and purposes, the name and address of the sender and addressee and the name, address and telephone number of the person to whom any query should be made ;

3. to ensure the exchange of information on the demand for and the availability of substances and on all matters pertaining to their preservation, transportation and processing ;

4. to exempt substances and their containers from all duties and taxes at importation and exportation ; this exemption shall also extend to the return of used containers ;

II. to apply the measures mentioned in paragraph I above to any international exchange or transportation of substances of human origin removed or collected with a view to transplantation or other use for therapeutic or diagnostic purposes for the benefit of persons other than the donor and for research purposes. The international exchange and transportation of human blood

and its derivatives, which are covered by the European Agreement on the Exchange of Therapeutic Substances of Human Origin, as well as the international exchange and transportation of embryos, testicles, ovaries, ova and sperm are excluded from the field of application of this recommendation ;

III. to require, if they are the sending state, only payment of expenses for removing (or collecting), preserving, processing and transporting the substances mentioned in paragraph II above and, if the substances are sent by a private body, to endeavour to ensure that only payment of those expenses will be requested ;

B. Invites the governments of member states to inform the Secretary General of the Council of Europe in due course and at any rate every five years, of the action taken on this recommendation.