



Presidenza del Consiglio dei Ministri

NATIONAL BIOETHICS COMMITTEE

PROTECTION OF THE HUMAN EMBRYO AND FOETUS THE OPINION OF THE NBC ON THE PRELIMINARY DRAFT PROTOCOL OF THE BIOETHICS COMMITTEE OF THE COUNCIL OF EUROPE

(31st March 2000)

abstract

The NBC examines the draft text being prepared by the Council of Europe concerning "Protocol on the protection of the human embryo and foetus", and in particular, "Avant Projet de principes retenus par le Groupe de Travail relatifs à la constitution et au sort des embryons in vitro" Annex IV. The NBC proposes the following points for consideration:

- in art. 2: it considers the definition of embryo acceptable, however, it would be preferable in order to consider the individual cell an embryo, that the two chromosome sets be united into a single nucleus (the syngamic phase) and not confined in the two nuclei (the presyngamic phase); as regards the broader definition of foetus, this indicates the precise intention of the Protocol to extend protection to an early stage of development;
- in art. 4: it is in favour of clarification in order to distinguish between the phase preceding implantation of the embryo in the woman's uterus, and the subsequent phase in which pregnancy begins;
- in art. 6: it draws attention to the distinction between embryo and pre-embryo, as a distinction superseded by the above-mentioned, extended definition of foetus;
- in art. 7: it proposes unification of the conditions set out in paragraphs a) and b), that establish the impossibility to proceed "unless under the specific and rigorous conditions of technical competence and health safety, within centres formally accredited by the competent authority";
- in art. 11: it hopes that the provisions governing the right to be informed will be expressed more analytically and emphasizes the need for increased comprehensibility of the information;
- in art. 13: it criticizes the proposed solution deeming it not sufficiently clear in excluding embryos from commercial exploitation. In addition, in the case of the couple disagreeing, the indication of the destruction of supernumerary embryos, as the only solution provided for by the national law, has raised many doubts, seeing as it could also consider the use of the embryo by other couples. In particular, with reference to the fate of the embryo at the end of the storage period, the couple should be put in a position to evaluate alternative solutions to the destruction of the embryo, proposing solutions that offer greater protection of the embryo;
- in art. 14: an inconsistency has been observed between paragraph one; that allows production of an increased number of embryos, in relation to the "good chances of success" and paragraph two, that sets a limit to the risk of multiple pregnancy;
- in art. 15: it emphasizes the need for a safeguarding regulation in order to avoid direct application of the techniques, without any prior evaluation.

To conclude, the Committee unanimously expresses the hope to achieve appreciable results of harmonization, on the clear understanding that, it is the right of each State to express reservations concerning the individual provisions that would not be compatible with its laws in force.