

**Motion**

**submitted by the parliamentary groups of the SPD, the CDU/CSU and ALLIANCE  
90/THE GREENS**

**Establishment of a Study Commission on the Ethics and Law of Modern Medicine**

The Bundestag is requested to adopt the following motion:

In line with Rule 56 of its Rules of Procedure, the German Bundestag will set up a Study Commission on the Ethics and Law of Modern Medicine.

**1. Tasks**

In both society and parliament, there is still a considerable need for greater knowledge and discussion of issues of modern medicine and the related life sciences. In order to continue and bring greater depth to the public discussion, and as preparation for political decisions, the Commission's task is to develop recommendations for legislative and administrative action on the scientific issues of tomorrow and their ethical assessment, taking into sufficient consideration all affected social groups, institutions and associations, as well as churches and religious and belief communities. To this end, it will continue the work of the Study Commission in the 14th electoral term, which collected and compiled important findings in the fields of modern medicine and ethics but did not have time to examine further aspects satisfactorily and process them for parliament's work; additionally, it will look at new issues emerging in the field of modern medicine. The Study Commission will

- outline important developments in life-science and medical research, in diagnostics, prevention and treatment, assess these developments while considering ethical, legal, social and political aspects, and suggest actions which society, and in particular legislators, should take;

- examine associated research practice in Germany and indicate areas where legal regulation is inadequate;
- define limits of medical action in research, diagnostics and treatment resulting from the constitutional requirement that human dignity and basic rights be protected unconditionally;
- develop recommendations for legal standards at European and international level to apply to modern medicine;
- help to improve the quality and depth of the public discussion.

Parliament must be proactive, identifying and examining issues with ethical considerations at an early stage.

## 2. Composition

The Study Commission will comprise 13 Members of the Bundestag and 13 experts who are not members of the Bundestag or the Federal Government. The SPD parliamentary group will appoint six Members and six experts, the CDU/CSU parliamentary group five Members and five experts, and the parliamentary groups of ALLIANCE 90/THE GREENS and the FDP one Member and one expert each.

A substitute member may be appointed for each Member of the Bundestag.

## 3. Submission of a report

The Commission will report on the results of its work to the German Bundestag six months before the end of the electoral term, and will in the meantime submit partial or interim reports on topical issues when required. Its report will be made available to the general public in an appropriate form.

Berlin, 18 February 2003

**Franz Müntefering and the SPD parliamentary group**

**Dr Angela Merkel, Michael Glos and the CDU/CSU parliamentary group**

**Katrin Dagmar Göring-Eckardt, Krista Sager and the ALLIANCE 90/THE GREENS parliamentary group**

## **Reasoning**

In the last electoral term, the Study Commission on the Law and Ethics of Modern Medicine was unable to deal with all of the issues assigned to it. In its final report, it briefly identified as desiderata the topics which were still to be dealt with. These included research on persons not able to consent, the problems of allocation in modern medicine, medical prospects of nanobiotechnology, the possibilities of plant genomics in the production of pharmaceutical active ingredients and their effects on humans, the debate in society on organ transplantation (xenotransplantation and living donor transplantation), prospects of molecular medicine from treatment to enhancement, as well as the foundations and criteria of self-determination in all phases of life.

In the 14th electoral term, the Study Commission on the Law and Ethics of Modern Medicine played an important role in supporting the legislative process, in preparing for parliamentary discussions, and in finding widely accepted solutions to bioethical conflicts.

In the 15th electoral term, legislators continue to be faced with the challenge of needing to react proactively to the often rapid developments in modern biomedicine. The Study Commission is the appropriate body to set out the relevant substantive aspects in the decision-making process. Furthermore, the experiences of the previous electoral term have shown that such a Commission also has an important role to play in the public debate.