

No. 55027*

Multilateral

Council of Europe Convention against trafficking in human organs. Santiago de Compostela, 25 March 2015

Entry into force: *1 March 2018, in accordance with article 28*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *Council of Europe, 27 March 2018*

Note: *See also annex A, No. 55027.*

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Multilatéral

Convention du Conseil de l'Europe contre le trafic d'organes humains. Saint-Jacques-de-Compostelle, 25 mars 2015

Entrée en vigueur : *1^{er} mars 2018, conformément à l'article 28*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Conseil de l'Europe, 27 mars 2018*

Note : *Voir aussi annexe A, No. 55027.*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

Participant	Ratification, Acceptance (A) and Approval (AA)	
Albania	6 Jun	2016
Czech Republic (with reservations)	21 Sep	2017
Malta	7 Nov	2017
Norway	12 Sep	2017
Republic of Moldova	21 Jun	2017

Note: The texts of the declarations and reservations are published after the list of Parties -- Les textes des déclarations et réserves sont reproduits après la liste des Parties.

Participant	Ratification, Acceptation (A) et Approbation (AA)	
Albanie	6 juin	2016
Malte	7 nov	2017
Norvège	12 sept	2017
République de Moldova	21 juin	2017
République tchèque (avec réserves)	21 sept	2017

Reservations made upon Ratification

Réserves faites lors de la Ratification

CZECH REPUBLIC

RÉPUBLIQUE TCÈQUE

***Reservations contained in the instrument of ratification deposited on 21 September 2017 –
Or. Engl.***

In accordance with Article 4, paragraph 2, of the Convention, the Czech Republic reserves the right not to apply paragraph 1.a of this Article to the removal of human organs from living donors, in exceptional cases, when the consent of the donor is not needed.

There is in force Section 4 of the Act No. 258/2002 Coll., on the donation, removals and transplantations of tissues and organs and on the amending of certain Acts, in the Czech Republic. The first paragraph of this provision states that solely renewable tissues may be removed from donors who are minors, persons with limited legal capacity or fully legally incapacitated persons or persons who gave their consent to the removal, but with regard to their health condition it is reasonable to assume that despite receiving due instructions they did not consider or could not consider all consequences of removal of renewable tissues for their own health (hereinafter “person unable to express consent”), unless provided otherwise further, and only if:

- a) there is no other donor who could give his explicit and concrete consent,
- b) the recipient is a sibling of the donor,
- c) donation constitutes an option of rescuing the recipient's life,
- d) legal representative of the donor who is a minor or person with limited legal capacity / incapacitated person expressed consent to the removal pursuant to section 7(4),
- e) ethic committee expressed consent to the removal pursuant to section 5(5)b) and
- f) the donor does not oppose the donation.

Second paragraph states that provisions of subsection 1 b) and c) do not apply to removal of cells, if such removal poses only minimal risk for health and life of the donor.

In accordance with Article 10, paragraph 3, of the Convention, the Czech Republic reserves the right not to apply in full the provisions of Article 10, paragraph 1.e, of the Convention and to apply it only in the extent as follows: the law of the Czech Republic shall also assess the culpability of an act committed abroad by a person with no nationality who has been granted permanent residence in their territory.

In accordance with Article 30, paragraph 2, of the Convention, the Czech Republic reserves the right to apply the Article 5 of the Convention in case of organs removed from a deceased person only to conduct committed with the aim to enrich oneself or other.