



*Presidenza del Consiglio dei Ministri*

## **NATIONAL BIOETHICS COMMITTEE**

### **ETHICAL AND JURIDICAL CONSIDERATIONS ON THE USE OF BIOTECHNOLOGIES**

(30<sup>th</sup> November 2001)

#### *abstract*

The NBC examines the ethical and juridical aspects of biotechnologies, considered as a sphere of independent research which is of significant importance in bioethical terms due to the pervasiveness and multiplicity of their application in numerous fields, such as man's health, international political and economic relations, social habits and the impact on people's everyday lives.

The NBC underlines the need to plan the objectives of the research and define the priorities of their application to genetic engineering, underlining the importance of State support for public research and relative coordination between public and private structures in this sector. In terms of ethics, biotechnologies require a complex approach able to balance economic and social needs as well as individual rights.

In general terms, it is believed that the criteria of precaution should be seen as a stimulus for the advancement of scientific research with a view to a better and safer use of biotechnologies, with the possibility to establish controls on methods, applications, aims pursued and the transfer of results. In this perspective, the use of social communication is emphasised, particularly the preparation of strategies for raising public awareness with an aim to bettering understanding of biotechnological progress. Furthermore, the application of biotechnologies to the field of medicine should not be to the detriment of human dignity, even in relation to cloning techniques, so that man is always considered as an end and never merely as a means.

In juridical terms, the NBC expresses the need to supply adequate answers to the questions raised by the development of biotechnologies and their use in the medical, food, and environment sectors; even in order to fill any regulatory gaps. For this purpose, the Committee recommends the taking of initiatives for cooperation on a national and international level, which should also include the formulation of appropriate legislation on the subject.

The NBC considers, among the many important juridical aspects, those related to the protection of intellectual property rights. The disadvantages arising from limited access to patented products for a large part of the world is particularly highlighted, along with the trend established in recent years to limit duration, application and the use of certain patents, especially those relating to so-called life-saving drugs. In addition, it is possible to foresee, in line with what is proposed by some international organisations, the creation of "heritage of humanity patents" relating to fundamental benefits for mankind or collective patents, in order to preserve traditional medical knowledge or indigenous crops.

The potential infringement of fundamental human rights by biotechnological applications requires particular attention. On this subject, the NBC recalls to respect the general principles set out in the Convention on Biomedicine (Oviedo, 1997) of the Council of Europe and the Charter of Fundamental Rights of the European Union.