

The House of Representatives votes as follows:

PART I – PRELIMINARY PROVISIONS

1. This Law shall be cited as the Bioethics (Establishment and Function of the National Committee) Law of 2001.

Interpretation. 2. In the present law, unless the context requires otherwise – “Bioethics” means the study of ethical, deontological, social, humanistic and legal problems that emerge from the use of modern biotechnology, biology, medicine, genetics and pharmaceuticals but mainly they are caused by human intervention on the biological procedure and on the human genotype based on the precautionary principle and the promotion of health;

“ethics committees” include every competent body that is responsible for bioethical issues and “competent body” includes every organization, committee, association, institution or any other entity on a local level;

“Committee” means the Committee established in accordance with article 3;

“list” means the list of persons qualified for appointment, which is drawn up in accordance with article

“members” means the members of the Committee including the chairman;

“Minister” means the Minister of Health.

PART II ESTABLISHMENT AND STRUCTURE OF NATIONAL BIOETHICS COMMITTEE

3. – (1) A National Bioethics Committee is established, whose mission is the constant monitoring, survey, systematic analysis and evaluation of the issues and problems that relate to the scientific research, progress and implementation of the sciences of biotechnology, biology, medicine, genetics and pharmaceuticals as well as to the human intervention on the biological procedure and the human genotype and the investigation of their moral, deontological, social, humanistic and legal dimensions.

(2) The Committee is an independent body and is not subject to the administrative control of any ministry, independent officer, department or service and has the powers provided by the present or any other

Law. Composition. 4. – (1) The Committee consists of thirteen members including the chairman and the vice-chairman.

(2) Subject to the provisions of this Law the Committee consists, when possible, of –

(a) Four personalities emerging from the sector of humanities and social sciences, as provided in article 5;

(b) Four personalities emerging from the area of medical and biological sciences as provided in article 5;

(c) Four prestigious personalities emerging from the area of any other science or profession who are distinguished in any area of activity for their

contribution as provided in article 5.

5.-(1) The members of the Committee are appointed by the Council of Ministers and are selected from a list of reputable and prestigious personalities and -

(a) Are qualified and experienced on the following sectors and sciences:

(i) Humanities and social sciences; or

(ii) medical and biological sciences; or

(iii) any other science and profession; or

(b) Have been distinguished for their contribution to any area or activity:

It is provided that in cases of scientists mentioned in subparagraphs (i) and (ii) of paragraph (a), knowledge and experience in the area of bioethics constitute necessary requirements for their appointment.

It is furthermore provided that the above provisions are valid for any future appointment of members to the Committee.

(2) For the purposes of section (1) hereinabove -

“humanities and social sciences” include, among other, law, sociology, psychology, philosophy and theology;

“medical and biological sciences” include, among other, medicine, biology, chemistry, genetics and molecular biology; and

“any other sciences” include any other science that does not fall into the aforementioned sciences.

(3) The chairman of the Committee is a reputable, prestigious and experienced person and can be selected from any of the categories of scientists mentioned in section (1).

(4) The persons appointed as members come from the private and public sector and are, whenever possible, balanced in number. List for appointment. 6.-(1) A list of persons for appointment as members to the

Committee is drawn up by virtue of article 5, by the Minister in cooperation with representatives from the University of Cyprus, the Cyprus Bar Association, the Cyprus House of Representatives Committee on Health Affairs, the Attorney General of the Republic, the PanCyprian Medical Association, and with other organized bodies or persons, coming from the public or private sector, who are capable of contributing to the draw up of the list of potential members to the Committee. (2) (a) For the appointment of each person to the Committee three

persons are proposed.

(b) The appointment of the first members of the Committee takes place within one month after the present Law is put into force. Internal regulations. 7. The Committee may issue internal regulations as to its way of function. Vice

chairman. 8.-(a) During its first meeting, the Committee draws up a list of persons who shall carry out, in rotation, the duties of the vice-chairman.

(b) Each vice-chairman shall perform these duties for six months. Term of

service. 9. The term of service of the members of the Committee is four years, with the possibility of reappointment for another period of the same duration.

10. The Council of Ministers may terminate the appointment of any member due to extended disease, unjustified absences or for improper or opposed behavior to the objects of the establishment of the Committee. Resignation of members.

11. Any member of the Committee may at any time resign from his post by submitting a resignation in writing to the Minister. Remuneration of chairman and members.
12. The chairman and the members of the Committee are compensated as defined by the Council of Ministers. Quorum, procedural issues and supplementary provisions.
- 13.-(1) A quorum is formed by nine members including the chairman and in case of his absence, of the vice chairman.
 - (2) Valid decisions are taken with the positive vote of seven persons, minimum.
 - (3) In the case of absence of the chairman, the meeting is presided by the vice-chairman on each occasion.
 - (4) (a) Concise minutes of the proceedings of each meeting are kept with full reference to the decisions taken, of the way the decisions were taken, as well as of the grounds of judgment.
 - (b) The meetings of the Committee may be tape recorded, if deemed advisable by the Committee.
 - (5) The minutes are ratified upon the commencement of the following meeting of the Committee and are signed by the chairman or the vice-chairman.
 - (6) A vacant post in the Committee does not affect the legal status of the Committee or the validity of its decisions.
 - (7) (a) The Council of Ministers proceeds to the appointment of alternate members, in substitution of the resigned members.
 - (b) The term of service of the new members lasts until the expiration of the term of service of the resigned members.
 - (8) (a) During the convocation of the meetings every possible effort is made for the meetings not to be convened on a date on which a member who wishes to attend is impeded for any reason.
 - (b) However, in the case where the setting of a different date is practically unachievable then the impeded member must submit promptly and in writing his views to the Committee in order to be considered during the meeting.
 - (9) The Committee may, if it is to the best interest of the public, to proceed to a public meeting, open to the public at large.
 - (10) (a) A meeting is convened at least once a month and the meetings are convened by the president and in the absence of him the vice president.
 - (b) On the President's initiative or following a demand of three members at least, it is possible for additional meetings to be convened.
- 14.-(a) Before the commencement of any meeting, each member must state any personal direct or indirect interest that it might have from the outcome of the issue under discussion.
 - (b) The Committee decides as to the exemption of the member from the meeting.

PART III POWERS OF THE COMMITTEE

- 15.-(1) The Committee-

(a) Investigates, studies, analyses and evaluates systematically, from the aspect of bioethics, issues and problems that arise -

(i) From the scientific progress and its implementation on the areas of biotechnology, biology, medicine, genetics and pharmaceuticals; or

(ii) generally from the medical care; and

(iii) from the human intervention on a biological procedure and the human genotype;

(b) provides recommendations and issues opinions to any competent person or body in the public, in the private sector as well as to the wider public, on bioethical issues and problems that are mentioned in paragraph (a) of section (1) of the present article;

(c) investigates each ethical, deontological, social, humanistic or legal issue related to -

(i) the scientific evolutions and their implementation, mainly in biotechnology, biology, medicine, genetics, medical care, and

(ii) the human intervention in the biological procedure and the human genotype;

(d) cooperates with international organizations and comparable bodies and promotes the participation of Cyprus in international events related to the studies and research in the aforesaid sectors;

(e) informs the citizens with all available means as to bioethical issues and problems that concern the development of biotechnology, biology, medicine and

genetics as well as the consequences of their applications and publishes the outcomes of the studies, researches and consultations on these issues;

(f) studies and performs research on issues of bioethics based on the precautionary principle and the promotion of health;

(g) monitors and is solicitous about the implementation of international agreements or of any other international obligations of the Republic of Cyprus that are related to issues of bioethics;

(h) invites scientists from Cyprus or abroad to investigate specialized issues relevant to their expertise, defining the issues which the scientists are called to express their views on;

(i) exercises any other power conceded to it by the present or any other Law or Agreement;

(j) proceeds to the establishment of a fund if it is deemed necessary for the achievement of its objects;

(k) exercises the powers mentioned in article 16 regarding the formation of ethics committees;

(l) proceeds to the formation of subcommittees as provided by article 17;

(m) maintains a bioethics record with all the decisions, proposals and projects that are submitted for opinions;

(2) Develops initiatives regarding any issues that falls into the sector of

bioethics. Ethics committees. 16. The Committee -

(a) Encourages and approves the formation of ethics committees that shall function at the local foundations and which shall examine and provide consultations on any research projects, studies, clinical trials and interventions related to Biomedicine and biotechnology;

17.-(1) The Committee may proceed immediately after the appointment of its members to the formation of subcommittees towards the achievement of better distribution of its work, as deemed necessary.

(2) Without prejudice to the generality of subsection (1), the above said committees may be formed, among other purposes, for purposes of deontology, disciplinary control monitoring and promotion of legal and other issues.

(3) The subcommittees consist of members of the Committee and may include other persons, non-members of the Committee who are approved by the Council of Ministers, with qualifications and experience in the area of bioethics.

(4) The subcommittees exercise their duties and powers according to the terms of their formation.

(5) The function of the subcommittees is regulated by internal regulations issued by the Committee and until these regulations are issued, they function according to the instructions issued for this purpose by the Committee.

PART IV ISSUE OF CODES AND REGULATIONS

18.-(1) The Committee may issue codes of practice, which comprise principles and directions that the Committee considers useful and necessary for any issue that falls into its competencies.

(2) The Committee submits the codes to the Minister for approval and then to the House of Representatives for notification.

(3) The codes are issued with a decree by the Minister and are implemented following their publication in the Official Gazette of the Republic, which is conducted at least ten days after their submission to the House of

19.-(1) Notwithstanding the provisions of section (2) omission of any person to conform to any code provision does not constitute as such a criminal offence.

(2) In the cases where the person who omits to conform to any code provision is a civil officer and the omission is related to the execution of his duties, the said omission constitutes a disciplinary offence. For the purposes of this section, a public officer shall have the same meaning as attributed in the Penal Code:

It is provided that the Committee during the preparation of the codes may exempt some codes or parts of them from the provisions of the present section.

(3) Despite the provisions of sections (1) and (2) omission of conformity to any code provisions constitutes evidence in any procedure related to actions in violation of the provisions of the present or of any other relevant Law. Issue of Rules and conversion of codes to Rules.

20.-(1) The Council of Ministers, following a proposal by the Committee, may issue regulations for the better implementation of this Law, which is submitted to the House of Representative for approval.

(2) The Council of Ministers, following a proposal by the Committee, may convert and issue any code or part of it to Regulations, which it then submits to the House of Representatives.

(3) The Regulations that are issued by virtue of the present article may include a provision according to which the offences that are perpetrated in violation of the regulations are to be penalized by imprisonment of up to one year or by a fine of up to CYP 1.000 or by both of these penalties. Reinforced quorum for specific issues.

21. During the draw up of codes or of Rules the Committee may define specific issues for which are reinforced quorum of eleven instead of nine members is required, and for valid decisions to require the positive voting of nine instead of seven members.

PART V OTHER PROVISIONS

22.-(1) For the execution of the requisite administration, accounts and office work, the Ministers of Finance and Health assign, whenever deemed necessary, corresponding duties to civil servants the maximum number of whom is set by the Ministers of Finance and Health in agreement with the chairman of the Committee.

(2) The civil servants that carry out work for benefit of the Committee are governed by the provisions in force on each occasion of the Public Service Law and are evaluated based on the Public Service Servants Evaluation Regulations in force on each occasion.

(3) The Committee is granted offices and the requisite equipment for the processing of its work. Secretary. 23.-(1) The Minister assigns secretarial duties to one of the civil servants who are appointed by virtue of article 22.

(2) The assignment of duties by virtue of section (1) is for four years, minimum. Budget. 24. In the budget of the Ministry of Health there is a provision for the expenditure needed for the processing of the Committee's works and powers. Complaints. 25.-(1) Notwithstanding the provisions of any other law regarding the professional discipline of certain

scientific, vocational classes, the Committee may hear, investigate and grant consultation on complaints related to the implementation of the laws, rules and codes in relation to the issues that fall into the powers of the ethic committees.

(2) The Committee may refer complaints submitted to it by virtue of section (1) for investigation to an ethics subcommittee or to another competent body for disciplinary control.

(3) For purposes of implementation of this article the Committee draws up Regulations, which are then submitted to the House of Representatives for approval. Annual Report. 26. Every year the Committee issues an annual report that includes all the decisions, studies, researches and consultations it

has issued during the previous year.

