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## Patentability of the human genome

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<http://www.cec-kek.org/English/genomeE.htm>

## **Church and Society**

Strasbourg Office

**Executive Secretary: Richard Fischer**

Mr. Hubert Vedrine,  
President in office of the Council of  
Ministers of the European Union  
Ministère des Affaires Etrangères  
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75007 PARIS

Strasbourg, 28 June 2000

ORIGINAL IN FRENCH

### **Subject: Patentability of the human genome**

Mr. President,

Under directive no. 98/44/CE of 6 July 1998, the European Parliament and the Council provided that the European Union would allow the patenting of human genes under certain conditions.

Recently a number of opinions have been expressed asking for the abandonment or modification of this provision and allowing free access to the human genome<sup>(1)</sup>. The Church and Society Commission of the Conference of European Churches, covering almost all the Anglican, Orthodox and Protestant Churches of the European continent, fully associates itself with this initiative and opposes any attempt to establish ownership of what must be regarded as a common good of all humanity.

Although we start from a particular theological perspective, we are aware that our ethical conclusion will be shared by many who start from other religious and philosophical perspectives.

From our perspective, the world and humanity in particular are the creation and creature of the God who confers on humanity the management of his work without abandoning it.

On this basis, the human body cannot be the subject of trade. Making genes patentable opens the door to this, seriously injuring human dignity.

Furthermore, knowledge is the common good of all. The discovery of genes cannot be compared to an invention and cannot be the subject of a patent.

Finally, we cannot ignore the serious problems of social justice and equity at the global level which the ownership and commercial exploitation by a part of humanity would inevitably bring about.

Certainly, we positively welcome biotechnological progress and genetic engineering<sup>(2)</sup> but clearly this progress must benefit equitably the greatest number.

The Church and Society Commission of the Conference of European Churches wishes to ask you to profit from the French presidency of the European Union to propose the re-opening of the debate, to extend it if possible to the global level, and to arrive at ethically acceptable proposals.

Signed on behalf of Keith Jenkins,

Director of the Church and Society Commission of the Conference of European Churches

by Rev. Richard Fischer,

Executive Secretary (Strasbourg)

Copies to:

Mr. Jacques Chirac, President of the French Republic

Mr. Pierre Moscovici, Minister

The governments of the other 14 member states of the European Union

The European Commission

The European Parliament

The Council of Europe

The member churches of the Conference of European Churches

## NOTES

1. E.g. Universal declaration on the human genome of UNESCO in 1998, meeting of the Research Ministers of the G8 countries (June 2000), opinion of the French National Consultative Committee on Ethics, Madame Elisabeth Guigou, French Minister of Justice, before the National Assembly (June 2000), position of the Parliamentary Assembly of the Council of Europe (June 2000), declaration of Prime Minister Blair and President Clinton (March 2000), initiative of Members of Parliament Jean-François Mattei (France) and Wolfgang Wodarg (Germany).

2. **In September and November 1996** the predecessor of our Commission, the European Ecumenical Commission for Church and Society, presented its position in the two attached documents on the draft directive of the European Community relating to the legal protection of biotechnological inventions. **It specified that it had no objection to the patenting of a specific application using genetic information but that it was opposed to the patenting of a gene sequence as such, independent of a specific application.**