

Order of the Federal Chancellor Regarding the Establishment of a Bioethics Commission, Federal Law Gazette II No. 226/2001, as amended by Federal Law Gazette II No. 517/2003, Federal Law Gazette II No. 362/2005 and Federal Law Gazette II No. 335/2012

Establishment of the Bioethics Commission

§ 1. A Bioethics Commission (Commission) shall be established at the Federal Chancellery.

Tasks

§ 2. (1) The task of the Bioethics Commission is to advise the Federal Chancellor from an ethical point of view on all social, scientific and legal issues arising from scientific advances in the field of human medicine and biology. In particular, this includes:

1. Providing information and promoting discussion within society on key findings in the fields of human medicine and biology and the related ethical issues;
2. Submitting recommendations for practical use;
3. Submitting suggestions concerning necessary legal measures;
4. Preparing expert reports on particular issues.

(2) The tasks referred to in Para. 1 shall be carried out with reference to those general affairs of government policy that fall within the competence of the Federal Chancellery, including the coordination of the entire federal administration and efforts to achieve consistent cooperation between local authorities.

Composition of the Bioethics Commission

§ 3. (1) The Commission has 15 members. If necessary, additional members may be appointed, but only up to a maximum number of 25.

(2) The Commission shall include in particular experts from the following fields:

1. Medicine;
2. Molecular biology and genetics;
3. Law;
4. Sociology;
5. Philosophy;
6. Theology;
7. Psychology.

(3) The Federal Chancellor may appoint observers as needed. Their number must not exceed a fifth of the Commission members. The observers may assume an advisory function during the Commission meetings, but they are not entitled to vote. In all other respects, § 4 Paragraphs 1, 4 and 5 as well as § 5 shall apply.

Appointment of Members

§ 4. (1) The members of the Commission shall be appointed by the Federal Chancellor for a period of three years. They may be reappointed. The three-year term of office begins when the members of the newly appointed Commission convene for the first time. If a member resigns before the end of tenure, a new member shall be appointed for the remaining term of office. When the term of office expires, the Commission shall proceed with its activities until the newly appointed Commission convenes.

(2) When appointing members to the Commission, a balanced gender ratio must be taken into account.

(3) The Federal Chancellor shall appoint the Chairperson of the Commission as well as two persons who serve as Vice Chairs from among the members.

(4) During their first meeting following the Commission's appointment, the members shall disclose any potential conflicts of interest in performing their tasks within the Commission. Thereafter, the Chairperson shall be

notified of any changes with respect to conflicts of interest without delay. Any conflicts of interest which are laid open shall be made accessible to the public by the Secretariat.

(5) Membership of the Commission is an honorary unpaid position. However, members shall be entitled to the reimbursement of travel expenses.

Termination of Membership

§ 5. (1) Membership ends automatically when the term of office expires.

(2) The Federal Chancellor may, for an important reason, recall Commission members before their term of office expires.

(3) Members may resign from their position at any time by sending a written notice to the Federal Chancellor.

Convocation of Meetings

§ 6. (1) Meetings of the Commission shall be convened by the Federal Chancellor or the Chairperson. Meetings shall be convened as necessary, but at least every three months.

(2) The invitation to the meeting should if possible be delivered to the members and to any appointed observers in writing (by mail, email or fax) and shall include the provisional agenda.

(3) For the purposes of an expert discussion of an item of the agenda, the Commission may invite to its meetings experts or other persons who are able to provide information.

Presiding Officer and Procedures

§ 7. (1) The Chairperson shall open and preside over the meeting. The final agenda must be set by the Commission at the start of the meeting.

(2) The Commission may decide that its deliberations and the documents, or parts of documents, upon which they are based must be held in confidence.

(3) A written record must be kept of the outcome of the Commission's deliberations. This record must also lay down views which dissent from the majority opinion.

(4) The meetings of the Commission are not open to the public. The Commission holds plenary sessions. The Commission may set up working groups for the preparation of certain items.

(5) The presence of at least one third of the members shall be necessary for the Commission to have a quorum. The Commission must strive to achieve the greatest possible degree of consensus when adopting resolutions. Resolutions shall be adopted by a majority of the votes cast; abstentions are not permissible. In the event of a tie, the Chairperson has the casting vote.

(6) One member of the Commission can assign another member to act as his or her proxy during a single meeting of the Commission by giving written notice to the Secretariat. Each member can take over only one representation. The represented member must not be counted when a quorum is determined. The right to act as the Chairperson cannot be transferred upon others. In the event that neither the Chairperson nor the Vice Chairs are able to chair the meeting, the eldest member shall act as Interim Chair for as long as the latter are prevented from chairing the meeting.

(7) The Commission shall submit an annual activity report to the Federal Chancellor.

Rules of Procedure

§ 8. The Commission lays down more detailed rules concerning the conduct of its business in the Rules of Procedure. These rules must be approved by the Federal Chancellor.

Administrative Office

§ 9. (1) The Federal Chancellery, in its capacity as the Secretariat, supports the Commission and its members in the execution of their tasks.

(2) In so doing, the Secretariat is particularly in charge of:

1. Conducting current business on behalf of the Commission;
2. Preparing the Commission meetings;
3. Drawing up the minutes of the meetings;
4. Documenting the Commission's work materials;
5. Managing the reimbursement of travel expenses incurred by the members and observers of the Commission.

Entry into Force, Transitional Provisions

§ 10. §§ 2 - 9, as amended by Federal Law Gazette II No. 335/2012, shall enter into force on October 1st, 2013. The Commission's next term of office begins on October 1st, 2013.