

ABSTRACT

Egg Donation and IVF with Donated Eggs: Lessons to be Learned from Other Countries

Since 2001, the Swiss Reproductive Medicine Act (RMA, SR 810.11) prohibits the use of donated eggs for reproductive treatment. However, in December 2012, a parliamentary motion was submitted asking to replace the existing prohibition with a regulation of egg donation. In order to frame the issues triggered by this development, this report presents an overview of various regulations implemented by other western countries, namely Belgium, Finland, France, Spain, United Kingdom, United States of America. The main goal of this qualitative study is to identify the critical elements that must be considered when regulating egg donation.

The first part is descriptive and draws on the examination and systematic review of a selection of existing regulations on medically assisted reproduction, as well as related literature. It begins by listing the main aspects taken into account by each regulation, ranging from access and coverage, to the recipient's, donor's, and offspring's, rights and interests, as well as to more technical issues such as egg storage possibilities. In order to assess the outcome of the regulations in question, they are then contrasted with several specific indicators such as waiting lists or the importance of "reproductive tourism". Finally, drawing from these data, a characterization of each country's egg donation regulation is presented.

The second part addresses two issues that are strongly debated in most countries. The first chapter examines the lack of donors – and consequently of eggs – and the resultant inability to meet increasing demand, as well as the difficulties raised by questions around incentives for donation. The second chapter discusses existing and possible new criteria for determining access to IVF with donated eggs. Its main goal is to highlight and debate the various stakes of these issues through a systematic review of socio-anthropological literature.

What can be learned from other countries' egg donation regulations? Four main points must be taken into account. Firstly, because donated eggs are a very rare good, one of the mechanisms to influence their demand is the clear definition of criteria for access to IVF with donated eggs. However, this has "reproductive tourism" and hence inequality between citizens as an unsatisfying consequence. Another means to increase the supply lies in changing the recruitment means and incentives for donating eggs, by compensating donors financially for example. This leads directly to the second point: the rights and the protection of the donors. Since donating eggs can be invasive and demanding, special attention must be paid to the needs of the donors. Third, recent improvements in egg freezing technology offer new ways of preserving individual fertility. This could have an impact on both, the demand – if more women can use their own eggs, they are less likely to need those of other women – and the supply – unused stored eggs could later be donated. Finally, egg donation and access to IVF with donated eggs is delicately related to the kind of values a society wants to promote and to conciliate, including among others, equality between human beings and possible exclusions, the protection of vulnerable citizens, children's wellbeing, models of family and parenthood, and the determination of age limits for procreating women. Debates about these values vary depending on context, but each society's response to the unique challenges raised by the development of assisted reproductive technologies is a reflection of its past and futures.