



WORLDWIDE

>> Human Eggs Laws

Comment On Reproductive Ethics

KATARINA LEE M.A.

LAURA GOTTI TEDESCHI

COUNTRY	LAW
AFGHANISTAN	N/A
ALBANIA	N/A
ALGERIA	N/A
ANDORRA	N/A
ANGOLA	N/A
ANTIGUA AND BARBUDA	N/A
ARGENTINA	Fertility clinics are practicing egg donation. ¹ There does not appear to be any law regulating it.
ARMENIA	Fertility clinics are practicing egg donation. ² There does not appear to be any law regulating it.
AUSTRALIA	The sale of human eggs is illegal. ³ Eggs may be donated altruistically and the donor is entitled to reimbursement of "reasonable expenses incurred." ⁴
AUSTRIA	Austria forbids the donating or selling of human eggs according to Section 3 Paragraph 3 of the Reproductive Medicine Act. ⁵
AZERBAIJAN	N/A
BAHAMAS	N/A
BAHRAIN	N/A
BANGLADESH	N/A
BARBADOS	No law could be found, but the practice of egg donation is occurring in fertility clinics. ⁶
BELARUS	N/A
BELGIUM	There does not appear to be a clear law regarding the sale or donation of human eggs; however, it is being practiced. ⁷
BELIZE	Human egg donation is permitted. ⁸

¹ FERTILITY ARGENTINA, Egg Donation, http://www.fertilityargentina.com/svcs_egg_donation.html (last accessed July 1, 2015).

² David Jones, The designer baby factory: Eggs from beautiful Eastern Europeans, sperm from wealthy Westerners and embryos implanted in desperate women, DAILY MAIL, Aug. 2012, 9:50 PM, <http://www.dailymail.co.uk/news/article-2139708/The-designer-baby-factory-Eggs-beautiful-Eastern-Europeans-Sperm-wealthy-Westerners-And-embryos-implanted-desperate-women.html>.

³ Craig Butt, Egg donor money: Fertility clinic offers women \$5000, SIDNEY MORNING HERALD, Apr. 12, 2015, <http://www.smh.com.au/national/egg-donor-money-fertility-clinic-offers-women-5000-20150412-1miw9h.html>.

⁴ Id.

⁵ AUSTRIAN BIOETHICS COMMISSION, Reform of the Reproductive Medicine Act, July 2, 2012, <http://www.bka.gv.at/DocView.axd?CobId=51083>; BUSARDO ET. AL. The Evolution of Legislations in the Field of Medically Assisted Reproduction and Embryo Stem Cell Research in European Union Members, BioMED RESEARCH INTERNATIONAL, 3.1, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4134786/pdf/BMRI2014-307160.pdf>; Carol Coulter, Why surrogacy has nothing to do with same-sex marriage, IRISH TIMES, Apr. 27, 2015, 1 AM, <http://www.irishtimes.com/opinion/why-surrogacy-has-nothing-to-do-with-same-sex-marriage-1.2189717>.

⁶ <http://www.barbadosivf.com/treatment-services/egg-recipientdonor-program/egg-recipients-stages/>; <http://travelforivf.com/barbados-fertility-clinic-egg-donor-program/>

⁷ Busardo, supra note 5 at 3.2; THE CENTER FOR BIOETHICS & HUMAN DIGNITY, G12 Country Regulations of Assisted Reproductive Technologies, <https://cbhd.org/content/g12-country-regulations-assisted-reproductive-technologies>; <http://www.eshre.eu/Londen2013/Media/Releases/Guido-Pennings.aspx>.

⁸ GLOBAL IVF, Reproductive Laws in Belize, <http://www.globalivf.com/directory/laws/belize/> (last accessed July 30, 2015).

BULGARIA	Human egg donation is permitted with specific regulations. An egg donor is required to be anonymous except for donation to "close relatives (sisters and cousins)." ⁹ Additionally, the donor must have one child and cannot have more than five children (including children as a result of her donation). ¹⁰ Therefore, there is a central registry to record the donor's details. ¹¹ An egg donor who donates anonymously cannot be older than 34, an egg donor who donates to a close relative cannot be older than 38. ¹²
BOSNIA AND HERZEGOVINA	N/A
BOTSWANA	N/A
BRAZIL	It appears that the practice of human egg donation is ongoing. ¹³
BRUNEI DARUSSALAM	N/A
BULGARIA	It appears that the practice of human egg donation is ongoing. ¹⁴
BURKINA FASO	It appears that the practice of human egg donation is ongoing. ¹⁵
BURUNDI	N/A
CAMEROON	It appears that the practice of human egg donation is ongoing. ¹⁶
CANADA	In 2004 the Canadian government approved the Assisted Human Reproduction Act. ¹⁷ Section 7 of the AHR prohibits human egg sales, the donation of an egg must be solely for altruistic purposes. Government Canada states "the requirement of altruistic donation in Canada is consistent with Canadian values and laws similar to the law on the transplantation of human organs and tissues." ¹⁸ If an individual violates this law and is found to have purchased human egg they "could be fined up to \$500,000 or jailed for up to ten years, or both." ¹⁹
CHINA	Human egg donation is illegal. ²⁰
CROATIA	Human egg donation is permitted. ²¹

⁹ FERTILITY CLINICS ABROAD, IVF Bulgaria, <http://www.fertilityclinicsabroad.com/ivf-abroad/ivf-bulgaria/> (last accessed June 30, 2015); Busardo, supra note 5 at 3.3.

¹⁰ FERTILITY CLINICS, supra note 9.

¹¹ Id.

¹² Id.

¹³ FERTILITY TREATMENT ABROAD, Fertility treatment in Brazil, <http://fertility.treatmentabroad.com/countries/brazil> (last accessed July 30, 2015).

¹⁴ JMB ACTIVE, Egg donation, http://www.jmb-active.com/?activity=fertility&activity_information=egg_donation (last accessed July 30, 2015).

¹⁵ Emily Withrow, Trade in human eggs thrives as infertile couples seek donors – Business – International Herald Tribune, NEW YORK TIMES, Jan. 29, 2007, <http://www.nytimes.com/2007/01/29/business/worldbusiness/29iht-fertile.4392916.html?pagewanted=all>.

¹⁶ Id.

¹⁷ HEALTH CANADA, Prohibitions related to Purchasing Reproductive Material and Purchasing or Selling In Vitro Embryos, <http://www.hc-sc.gc.ca/dhp-mps/brgtherap/legislation/reprod/purchasing-achat-eng.php> (last accessed June 29, 2015).

¹⁸ Id.

¹⁹ Id.

²⁰ Charlie Butts, Infertility in China leads to black market endangering women, NE News Now, Jun. 19, 2015, <http://www.onenewsnow.com/culture/2015/06/19/infertility-in-china-leads-to-black-market-endangering-women>.

²¹ Busardo, supra note 5 at 3.4.

CYPRUS	Human egg donation is legal and is anonymous. ²² Donors are prohibited from donating their eggs more than 5 times, but there is no central registry to determine whether they have. ²³ In North Cyprus, egg donors cannot be older than 35. ²⁴
CZECH REPUBLIC	Human egg donation "must be voluntary and anonymous for both donor and recipient." ²⁵ A woman must be between the ages of 18 and 35 in order to donate their eggs. ²⁶
DENMARK	Human egg donation is legal, but the compensation structure is complicated. ²⁷ Human eggs can be donated anonymously or through a known donation. ²⁸ The maximum compensation for egg donation ranges from 500 to 2400 kroner. ²⁹ To circumvent the laws Danish fertility clinics are now providing for paid vacations in foreign countries for egg donors. ³⁰
ESTONIA	Human egg donation is permitted and must be anonymous. ³¹
FINLAND	Human egg donation is permitted as long as the donor is above the age of 18, the donation "does not pose a health hazard" and the donor does not have a disease, which could be transferred to the child or the woman receiving the egg. ³² Donors are only to be identified by a donor code and the only data that can be shared about the donor is the donor's skin colour, eye colour and hair colour. ³³ There clinic is requires to procure information; however, the information is destroyed from the clinic/service provider after two years "from the use, disposal or transfer...of the donated gametes or embryos." ³⁴ There is a national registry, which is to keep the identification information of the donors. ³⁵ The donor cannot receive any compensation for the donation of eggs, but "the donor may be paid a reasonable sum in compensation of expenses, loss of income and other inconvenience arising from the donation." ³⁶
FRANCE	Human egg donation is legal as long as it is anonymous and altruistic. ³⁷
GEORGIA	N/A

²² FERTILITY CLINICS ABROAD, IVF Cyprus, <http://www.fertilityclinicsabroad.com/ivf-abroad/ivf-cyprus/> (last accessed June 30, 2015).

²³ *Id.*

²⁴ *Id.*

²⁵ FERTILITY CLINICS ABROAD, IVF Czech Republic, <http://www.fertilityclinicsabroad.com/ivf-abroad/ivf-czech-republic/> (last accessed June 30, 2015).

²⁶ Busardo, *supra* note 5 at 3.6.

²⁷ Danes offered sunny holiday for egg donation, THE LOCAL, May 9, 2015, 2:47 PM, <http://www.thelocal.dk/20150509/danish-women-offered-sunny-holiday-for-egg-donation>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Busardo, *supra* note 5 at 3.8.

³² MINISTRY OF JUSTICE, FINLAND, Act on Assisted Fertility Treatments (1237/2006), <http://www.finlex.fi/en/laki/kaannokset/2006/en20061237.pdf>.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Dominique M. Mennesson, Assisted Reproduction Technology in France, (last accessed July 10, 2015), http://infertilityanswers.org/art_in_france; Instituto Bernabeu: Reproductive Medicine, Legislation in Spain and Europe, <http://www.institutobernabeu.com/en/4-14/international-patient/legislation-in-spain-and-europe/> (last accessed July 10, 2015); SCIENCE DAILY, Egg donation in European clinics: Why do women do it? July 8, 2013, <http://www.sciencedaily.com/releases/2013/07/130708103430.htm>.

GERMANY	Human egg donation is illegal. ³⁸
GREECE	The sale of human eggs is legal. ³⁹ Egg donation is to be anonymous. ⁴⁰ Compensation can be as high as 1000 euros. ⁴¹
HUNGARY	Egg donation is legal including egg donation from relatives. ⁴²
KAZAKHSTAN	N/A
KENYA	It appears that the practice of human egg donation is ongoing. ⁴³
ICELAND	Human egg donation is now permitted. ⁴⁴
INDIA	Human egg donation is an unregulated practice. ⁴⁵
ITALY	Human egg donation is illegal. ⁴⁶
IRELAND	Human egg donation is legal; however must be done altruistically. ⁴⁷ There has been a movement recently to pass legislation to prohibit the donation of eggs anonymously. ⁴⁸
ISRAEL	Women who are unmarried and between the ages of 21 and 35 are able to donate their eggs. ⁴⁹ A woman who is married can donate under certain circumstances, but she is required to prove that she is not related "to the egg recipient (or designated father)." ⁵⁰ An egg donor is only permitted to undergo three egg retrieval cycles "with a gap of 180 days between each 'donation' cycle." ⁵¹

³⁸ Amy Klein, Need an egg donor? Don't look in Israel, HAARETZ, Mar. 9, 2015, 6:54 AM, <http://www.haaretz.com/life/health-fitness/1.631704>; Ruth Macklin, Variations in Regulations on Assisted Reproductive Technologies, POLITICS, June 28, 2015, 10:09 PM, http://www.huffingtonpost.com/ruth-macklin/variations-in-regulations_b_7675046.html; EUROPEAN COMMISSION ON SEXUAL ORIENTATION LAW, German Supreme Court Recognizes Same-Sex Parents after Californian Surrogacy: Germany, Jan. 11, 2015, <http://www.sexualorientationlaw.eu/102-german-supreme-court-recognizes-same-sex-parents-after-californian-surrogacy-germany>.

³⁹ Sperm bank offers Danish women to donate eggs for free vacations, RT, May 10, 2015, 1:23 PM, <http://rt.com/news/257309-danish-eggs-sperm-donate/>.

⁴⁰ NewLife IVF, Egg Donation in Greece, <https://www.newlife-ivf.co.uk/eggdonation-greece.php> (last accessed July 10, 2015).

⁴¹ Maria Petrakis, Here's a Greek Business That's Booming: Making Test-Tube Babies, BLOOMBERGBUSINESS, May 25, 2015, 11:01 PM, <http://www.bloomberg.com/news/articles/2015-05-26/here-s-a-greek-business-that-s-booming-making-test-tube-babies>.

⁴² Busardo, *supra* note 5 at 3.13.

⁴³ TRENDING KENYA, We donated our eggs for money, May 6, 2013, http://www.trending.co.ke/we_donated_our_eggs_for_money-156444720.html.

⁴⁴ Andrew Vorzimer, Iceland To Allow Donor Eggs & Sperm For Singles & Gay Couples, THE SPIN DOCTOR, Jun. 3, 2010, <http://www.eggdonor.com/blog/2010/06/03/iceland-to-allow-donor-eggs-sperm-for-singles-gay-couples/>.

⁴⁵ PRITHA CHATTERJEE ET. AL., The great Indian egg bazaar, THE INDIAN EXPRESS, Feb. 9, 2011, 8:19 AM, <http://indianexpress.com/article/india/india-others/the-great-indian-egg-bazaar/>.

⁴⁶ Klein, *supra* note 38; Macklin, *supra* note 38.

⁴⁷ Noel Baker, Call for egg donors should be paid, IRISH EXAMINER, Sept. 25, 2014, <http://www.irishexaminer.com/ireland/call-for-egg-donors-should-be-paid-288460.html>.

⁴⁸ Josh Waterstone, Why it's wrong to ban anonymity for egg and sperm donors, THE IRISH TIMES, Mar. 5, 2015, 12:01 AM, <http://www.irishtimes.com/opinion/why-it-s-wrong-to-ban-anonymity-for-egg-and-sperm-donors-1.2126197>

⁴⁹ Klein, *supra* note 38.

⁵⁰ *Id.*

⁵¹ *Id.*

JAPAN	Human egg donation is permitted. ⁵² Until recently it was only permitted between sisters or friends. ⁵³
LATVIA	Human egg donation is legal and the donor must be between the ages of 18 and 35. ⁵⁴ Gametes are required to be disposed of after 10 years and the use of gametes post mortem require explicit consent. ⁵⁵
LITHUANIA	Human egg donation is prohibited. ⁵⁶
LUXEMBOURG	There does not appear to be any law regarding human egg donation. ⁵⁷
MALTA	N/A ⁵⁸
MEXICO	Human egg donation is occurring; however, the legality of it is unclear. ⁵⁹
MONTENEGRO	N/A
NETHERLANDS	In 2002 laws were passed to facilitate record keeping about the egg donor. ⁶⁰
NEPAL	It appears as though the practice of human egg donation is ongoing. ⁶¹
NORWAY	Human egg donation is illegal. ⁶²
NEW ZEALAND	Human egg donors may be compensated up to \$400 and must be between the ages of 21 and 37. ⁶³ When the child conceived with the donor egg turns 18 the donor is required to be identified. ⁶⁴
POLAND	Human egg donation is not regulated. ⁶⁵ However, human egg donation is occurring. ⁶⁶

⁵² Jiji PRESS, 1st IVF with 3rd-party donor eggs carried out in Japan, THE JAPAN NEWS, July 28, 2015, 1:28 AM, <http://the-japan-news.com/news/article/0002315823>.

⁵³ Id.

⁵⁴ Busardo, supra note 5 at 3.16.

⁵⁵ Id.

⁵⁶ FERTILITY TREATMENT ABROAD, Fertility treatment in Lithuania, <http://fertility.treatmentabroad.com/countries/lithuania> (last accessed July 30, 2015).

⁵⁷ Busardo, supra note 5 at 3.18.

⁵⁸ Id. at 3.19.

⁵⁹ IVF Mexico, Egg Donation, <http://www.ivfinmexico.com/egg-donation> (last accessed July 10, 2015).

⁶⁰ Sonia Allan, Donor conception, secrecy and the search for information, July 1, 2015 5:33 AM, THE CONVERSATION <http://theconversation.com/donor-conception-secrecy-and-the-search-for-information-44000>.

⁶¹ SURROGACY CLINIC NEPAL, Egg Donor, <http://www.surrogacyclinicnepal.com/egg-donor-nepal.html> (last accessed July 30, 2015); TAMMUZ INTERNATIONAL SURROGACY, <http://www.tammuz.com/eng/plans/nepal> (last accessed July 30, 2015).

⁶² Klein, supra note 38; Macklin, supra note 38; Norwegian Biotechnology Council recommends that egg donation be made legal in Norway, NEWS MEDICAL, June 1, 2015, 3:07 AM, <http://www.news-medical.net/news/20150601/Norwegian-Biotechnology-Council-recommends-that-egg-donation-be-made-legal-in-Norway.aspx>; NORWAY ACT 100, Relating to the application of biotechnology in human medicine, https://www.regjeringen.no/globalassets/upload/kilde/hod/red/2005/0081/ddd/pdfv/242718-biotechnology_act_master.pdf (last accessed July 30, 2015).

⁶³ Susan Edmunds, Desperate couple turn to Facebook to find egg donor, NZHERALD, Apr. 26, 2015, 5:00 AM, http://www.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=11438697.

⁶⁴ Id; HUMAN ASSISTED REPRODUCTIVE TECHNOLOGY ACT 2004, New Zealand Legislation, http://www.legislation.govt.nz/act/public/2004/0092/latest/DLM319368.html?search=ad_act__assisted+reproductiv_e____25_ac%40bn%40rn%40dn%40apub%40aloc%40apri%40apro%40aimp%40bgov%40bloc%40bpri%40bmem%40rpub%40rimp_ac%40ainf%40anif%40bcu%40rinf%40rnif_h_aw_se&p=1; <http://theconversation.com/donor-conception-secrecy-and-the-search-for-information-44000>.

⁶⁵ EUROPEAN COMMISSION: HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL, Report on the Regulation of Reproductive Cell Donation in the European Union, http://ec.europa.eu/health/ph_threats/human_substance/documents/tissues_frep_en.pdf.

PORTUGAL	It appears the practice of human egg donation is ongoing. ⁶⁷
RUSSIA	Human egg donation is permitted as long as the donor is between the ages of 20 and 35 and is a parent herself. ⁶⁸
ROMANIA	Romanian women have been targeted in illegal egg trafficking. ⁶⁹
SPAIN	The sale of human eggs is legal. ⁷⁰
SOUTH AFRICA	Human egg donation is permitted as long as there are no more than 5 children born through egg donation. ⁷¹
SWEDEN	The sale of human eggs is legal. ⁷² In 1984 laws passed requiring that identifying and non-identifying information about donors could be recorded and released. ⁷³
SWITZERLAND	Human egg donation is prohibited. ⁷⁴
UKRAINE	Human egg donation is legal. ⁷⁵
UNITED ARAB EMIRATES	N/A
THAILAND	Human egg donation is only permitted to "childless, married, heterosexual couples." ⁷⁶

⁶⁶ European Society of Human Reproduction and Embryology, Egg donation in European clinics: Why do women do it?, EUREKALERT!, July 8, 2013, http://www.eurekalert.org/pub_releases/2013-07/esoh-edi070213.php.

⁶⁷ Id.; AVA Clinic, The Reason For Egg Donation, <http://www.avaclinic.pt/en/doacao/egg-donation-a-gift-of-life/> (last accessed July 30, 2015).

⁶⁸ AVA CLINIC PETER, Legislation on egg donation in Russia, http://www.avapeter.com/en/egg/egg_donation_russia/ (last accessed July 30, 2015).

⁶⁹ AGENCE FRANCE-PRESSE, Romania busts Israeli human egg-trafficking ring, Feb. 19, 2013, 9:16 AM, <http://www.globalpost.com/dispatch/news/afp/130219/romania-busts-israeli-human-egg-trafficking-ring>

⁷⁰ RT, *supra* note 39.

⁷¹ Ntando Makhubu, Egg donation a thriving business, IOL LIFESTYLE, July 14, 2015, 11:37 AM, <http://www.iol.co.za/lifestyle/parenting/egg-donation-a-thriving-business-1.1884944#.VboQ93hDm50>; VITALAB: CENTRE FOR ASSISTED CONCEPTION, South African Legislation on Egg Donation and Surrogacy, <http://www.vitalab.com/egg-donation/south-african-legislation/> (last accessed July 30, 2015);

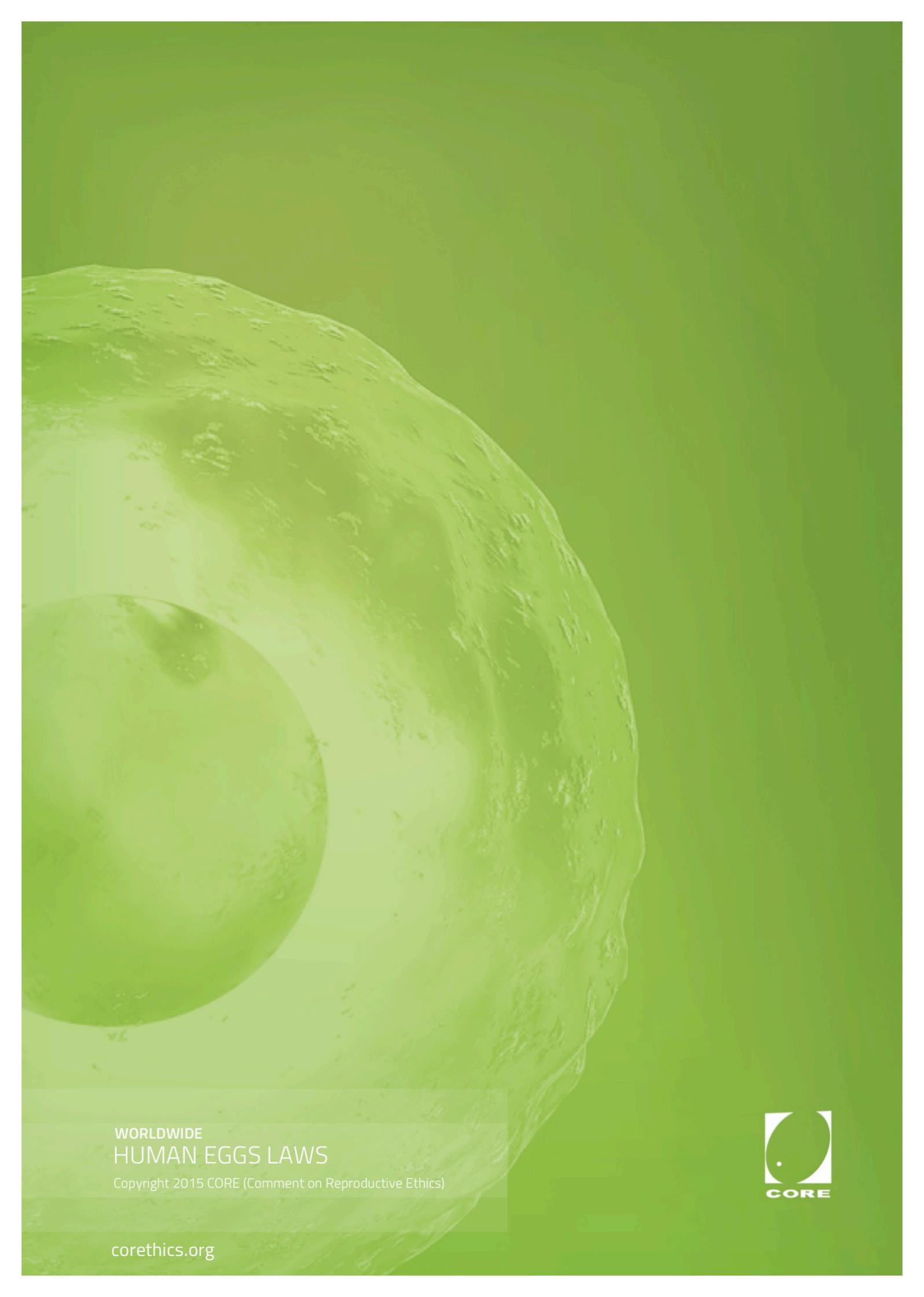
⁷² Busardo, *supra* note 5 at 3.27.

⁷³ Allan, *supra* note 60.

⁷⁴ THE SWISS AUTHORITIES ONLINE, Assisted Reproduction, <https://www.ch.ch/en/assisted-reproduction/> (last accessed July 30, 2015); THE SWISS FEDERAL COUNCIL, Federal Act on Medically Assisted Reproduction, <https://www.admin.ch/opc/en/classified-compilation/20001938/index.html> (last accessed July 30, 2015).

⁷⁵ Klein, *supra* note 38; SUCCESSFUL PARENTS, Why Ukraine?, <http://www.successful-parents.com/main/ukraine/> (last accessed July 30, 2015).

⁷⁶ Bangkok Post & AFP, Law banning commercial surrogacy takes effect, July 30, 2015, BANGKOK POST, <http://www.bangkokpost.com/news/general/638264/law-banning-commercial-surrogacy-takes-effect>.



WORLDWIDE
HUMAN EGGS LAWS

Copyright 2015 CORE (Comment on Reproductive Ethics)

corethics.org

