



E29 Comparison of the Current Italian Legislation Regarding Assisted Reproduction With the Other European Union Countries: What's New?

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After attending this presentation, attendees will learn about a comparative legislative analysis regarding assisted reproduction in European Union (EU) countries.

This presentation will impact the forensic science community by discussing important regulatory and legal differences among EU nations in the provision of assisted reproduction, taking into account peculiar aspects concerning the handling of embryos, use of donors, surrogates, and embryo research.

This report reviews the 2012 legislation concerning Assisted Reproduction (AR) in 27 EU Member States, trying to compare the Italian legislation with the other European countries. The collection of data was completed on January 31, 2012.

In 2004, a broad range of legislative quality and safety requirements for the donation, procurement, testing, processing, preservation, storage, and distribution of tissues and cells was introduced by the European Parliament and the Council with the launch of the Directive 2004/23/EC1. Taking into account the wide coverage of the Directive in comparison to the very specific nature of AR treatments, all EU Member States except Belgium have implemented the EU Tissue and Cells Directive.

Nineteen EU Member States (FI, SE, UK, DK, NL, DE, BE, FR ES, PT, IT, AT, SI, CZ, SK, HU, BG, GR, EE) have reported the existence of AR specific legislation in their own countries, whereas 8 countries (CY, IE, LT, LU, MT, PL, RO, LV) have reported not having AR specific legislation but general legislation covering AR procedures. For Romania, although no AR specific legislation is in place, there exists a general law based on Tissues and Cells Directive for all kinds of cell and tissue transplants (Law n° 95/2006 and law guidelines/25.10.2006 with all later amendments) which covers AR treatments.

In Italy, in May 2009, the Italian Constitutional Court modified the law regulating assisted reproduction technology (ART) which had been approved in February 2004 by the Italian Parliament, eliminating most of the limitations. The 2004 law had led to considerable reproductive migration as it imposed so many limitations on infertile Italian couples: e.g. no more than three oocytes could be fertilized at any one time during IVF or ICSI treatment; all embryos had to be transferred into the uterus; it was forbidden to freeze embryos or screen them for genetic or chromosomal successful pregnancy and oocyte and sperm donations were prohibited. The application of the Law was regulated by governmental guidelines.

In recent years, in EU Countries, ethical debates about the scope of medical services available to enhance a couple's ability to procreate have resulted in laws that curb access to certain procedures. These laws, derive from different origins ranging from an extremely prohibitive approach in IT, DE, and AT, versus a cautious regulatory approach in DK, SE and FR and the liberal regulatory approach in the UK, ES, and NL.

There are important regulatory and legal differences among EU Nations in the provision of AR services, including divergence on key issues such as the handling of embryos, use of donors and surrogates, embryo research, and PGD treatment.

Assisted Reproduction Law, Italian Law N° 40/04, Ethics and Law