

**DIRECTIONS GIVEN UNDER THE  
HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990**

**Export of gametes and embryos to Gibraltar and the European Economic Area (EEA)**

Ref. D.2008/2

These Directions are: GENERAL DIRECTIONS

Section of Act providing for these Directions : Section 24 (4) and (4A)

These Directions come into force on : 1<sup>st</sup> April 2008

These Directions remain in force: Until revoked

1. These Directions revoke D.2007/4.

2. A person to whom a licence applies may send gametes or embryos outside the United Kingdom to another centre in Gibraltar or in an EEA state other than the United Kingdom ("the receiving centre") if the following conditions are satisfied:

(a) The centre to which the gametes or embryos are to be transferred is accredited, designated, authorised or licensed under the laws or other measures of Gibraltar or the EEA state concerned, in accordance with the first, second and third Directives (2004/23/EC, 2006/17/EC and D2006/86/EC).

(b) The person who provided the gametes has (and, in the case of an embryo, both persons who provided the gametes from which the embryo was created, have) given and not withdrawn consent in writing to the gametes or embryos being exported to the Country in which the receiving centre is situated.

(c) Before giving such consent, the person(s) must have been given a written notice stating that the law governing the use of gametes and/or embryos and the parentage of any resulting child may not be the same in the country to which the gametes or embryos are to be exported as it is in the United Kingdom, and have been given any further information which they may require.

(d) No money or other benefits shall be given or received in respect of the supply of the gametes or embryos unless the money or benefit paid or received is in accordance with the Directions D.2006/1 or any subsequent Directions given by the Authority relating to giving and receiving money or other benefits.

(e) The purpose of exporting the gametes or embryos concerned is to enable them to be used to provide treatment services, namely medical, surgical or obstetric services for the purpose of assisting a woman to carry a child or to be stored for the purpose of such use in the future.

(f) The gametes or embryos must not be exported if they could not lawfully be used in licensed treatment services in the United Kingdom in the manner or circumstances in which it is proposed that the gametes or embryos be used by the receiving centre.

(g) The remaining term of the relevant storage period for the gametes or embryos, as provided for in section 14(3) or (4) or by Regulations made under section 14 (5) of the 1990 Act, and the period for which the gametes and embryos may remain stored in accordance with the consent(s) of the relevant gamete provider(s) are not less than 6 months from the date on which they are to be exported

3. Before any gametes or embryos are exported, the supplying centre must obtain from the receiving centre or appropriate Competent Authority written confirmation that the receiving centre meets the requirements of paragraph 2(a). The written confirmation shall be retained by the supplying centre for a period of three years and a copy provided to the Authority upon request.

4. Whenever gametes or embryos are exported in accordance with these Directions, the supplying centre must complete the relevant Notification of Export form, notifying the HFEA that a transfer has taken place and submit this form to the HFEA no later than 5 working days after the transfer has taken place. This form must be signed by the Person Responsible at the supplying centre.

5. The supplying centre shall keep all original records which it is required to maintain under its licence for the periods specified in Directions D.1992/1, but copies of the following documentation must accompany the gametes or embryos to the recipient centre, namely:

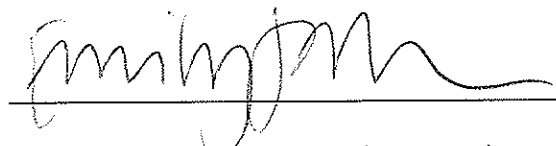
(a) A copy of the consent form signed by the gamete provider (where gametes are supplied) and consent forms signed by both gamete providers (where embryos are supplied);

(b) A copy of the donor information form (where donated gametes are supplied) and forms (where donated embryos are supplied);

(c) A copy of the patient and partner registration forms (where the gametes or embryos are supplied for own use);

(d) A copy of the relevant Notification of Export form.

6. The supplying centre must notify the receiving centre if there are any changes to the information supplied.

A handwritten signature in black ink, appearing to be 'Emily J. M.', written over a horizontal line.

Chair of Regulation Committee in accordance  
with delegated powers granted by the  
Authority on the 20<sup>th</sup> February 2008

Date 25.3.08

## SCHEDULE

**Modifications of sections 12 to 14 of  
the Human Fertilisation and Embryology Act 1990  
in relation to gametes and embryos exported  
in accordance with these Directions**

Section 14(1)(b) has effect in relation to gametes and embryos exported in accordance with these Directions as if at the end there were added "or, in relation to gametes or embryos sent outside the United Kingdom in accordance with directions by virtue of section 24(4) of this Act, a person outside the United Kingdom".