

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

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

Ref. D.2008/4

These Directions are:	GENERAL DIRECTIONS
Section of Act providing for These Directions :	Section 24 (4) and (4A)
These Directions come into force on :	1 st April 2008
These Directions remain in force:	Until revoked

1. A person to whom a licence applies may send gametes or embryos outside the United Kingdom to another centre outside of the EEA and Gibraltar ("the receiving centre") if the following conditions are satisfied:

(a) The receiving centre is accredited, designated, authorised or licensed under the laws or other measures of the country in which it is situated in relation to quality and safety.

(b) The receiving centre has a quality management system in place which has been certified by an internationally recognised body.

(c) The receiving centre has a traceability system in place which ensures that all gametes and embryos are traceable from procurement of gametes to patient treatment and vice versa. The centre's traceability procedures should also encompass all materials or equipment that could have an impact on the quality or safety of the gametes and embryos.

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in the case of an embryo, both persons who provided the gametes from which the embryo was created, have) given and not withdrawn consent in writing to the gametes or embryos being exported to the country in which the receiving centre is situated.

(e) 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 in which the receiving centre is situated as it is in the United Kingdom, and have been given any further information which they may require.

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”.

(f) 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.

(g) 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.

(h) 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.

(i) 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

2. Before any gametes or embryos are exported the supplying centre must obtain from the receiving centre written confirmation that the receiving centre meets the requirements of paragraph 1 (a), 1 (b) and 1 (c). 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.

3. Whenever gametes or embryos are transferred 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.

4. 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:

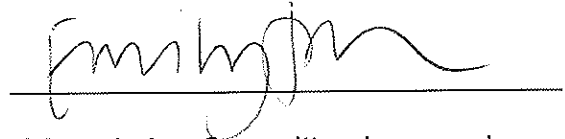
(a) A copy of the consent form signed by the gamete provider (where gametes are supplied) and consent forms signed by both gamete providers (where embryos are supplied);

(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.

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

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

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

Date 25.3.08