Guidelines on the Creation and Use, for Reproductive Purposes, of an Embryo created from Donated Eggs in conjunction with Donated Sperm
Guidelines on the Creation and Use, for Reproductive Purposes, of an Embryo created from Donated Eggs in conjunction with Donated Sperm

Guidance on terms used:
In these guidelines, unless the context indicates otherwise, words should be interpreted in accordance with definitions given in the Human Assisted Reproductive Technology Act 2004 and the Human Assisted Reproductive Technology Order 2005.

Applications that include combined assisted reproductive procedures:
These guidelines should be read in conjunction with ACART’s advice to ECART, issued 24 November 2008, about applications that include combined assisted reproductive procedures. The advice is available on ACART’s website at http://www.acart.health.govt.nz/moh.nsf/indexcm/acart-resources-guidelines#advice.

This advice includes the provision that ECART must not approve an application where the guidelines for the separate assisted reproductive procedures are not compatible.

Please note that the guidelines below are not compatible with either the Guidelines on Surrogacy Arrangements involving Providers of Fertility Services or the Guidelines on Embryo Donation for Reproductive Purposes. This means:

- ECART may not approve an application to use donated eggs with donated sperm in conjunction with a surrogacy arrangement
- Donated eggs and donated sperm from the same two people may only be used together for one recipient couple/person. Any surplus embryos may not be donated to another recipient.

Guidelines:
When considering an application for the creation and use, for reproductive purposes, of an embryo created from donated eggs in conjunction with donated sperm, ECART must be guided by the principles of the Human Assisted Reproductive Technology Act 2004:

Principles
1. All persons exercising powers or performing functions under this Act must be guided by each of the following principles that is relevant to the particular power or function:
   (a) The health and wellbeing of children born as a result of the performance of an assisted reproductive procedure or an established procedure should be an important consideration in all decisions about that procedure
   (b) The human health, safety, and dignity of present and future generations should be preserved and promoted
While all persons are affected by assisted reproductive procedures and established procedures, women, more than men, are directly and significantly affected by their application, and the health and wellbeing of women must be protected in the use of these procedures.

No assisted reproductive procedure should be performed on an individual and no human reproductive research should be conducted on an individual unless the individual has made an informed choice and given informed consent.

Donor offspring should be made aware of their genetic origins and be able to access information about those origins.

The needs, values, and beliefs of Māori should be considered and treated with respect.

The different ethical, spiritual, and cultural perspectives in society should be considered and treated with respect.

2. ECART must not approve an application for the creation and use, for reproductive purposes, of an embryo created from donated eggs in conjunction with donated sperm where any resulting embryo would be formed by eggs and sperm from:
   a) Father and daughter
   b) Mother and son
   c) Brother and sister
   d) Grandfather and granddaughter
   e) Grandmother and grandson.

3. When considering an application for the creation and use, for reproductive purposes, of an embryo created from donated eggs in conjunction with donated sperm:
   a) ECART must determine that:
      i) Donated eggs and donated sperm from the same two people may be used together to produce full genetic siblings in only one recipient couple/person. Neither donor is precluded, however, from separately donating sperm or eggs to another couple/person.
      ii) Each intending parent (where there are two) has a medical condition affecting his/her reproductive ability, or a medical diagnosis of unexplained infertility, that makes the creation and use of an embryo created from donated eggs with donated sperm appropriate.
      iii) All parties, in giving informed consent to the procedure, understand that any embryos surplus to the needs of the recipient person/couple may not be donated to another person/couple.
      iv) There has been discussion, understanding, and agreement with the parties on matters relating to use and storage of embryos, including the right of donors to both vary the agreed terms of donation and withdraw consent to donation.
      v) Each party has received counselling in accordance with the Fertility Services Standard.
b) ECART must take into account all relevant factors, including:

(i) Whether all parties have considered the impact of possible future contact for themselves and their families, including any resulting children

(ii) Whether any relationships between the parties safeguard the wellbeing of all parties and especially any resulting child

(iii) Whether counselling has:
   - included implications counselling for all parties
   - been culturally appropriate
   - provided for whānau/extended family involvement
   - addressed any issues raised by donation(s) between family members

(iv) Whether the country(ies) of residence of the parties safeguards the wellbeing of all parties, and especially the wellbeing of any resulting child.