

The background of the slide features a faint, large-scale image of a balance scale, symbolizing justice or legal matters. The scale is positioned on the right side of the slide, with its pans extending towards the center and left.

*Overview and comparison of the legislation regarding
research on embryos in Europe*

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Introduction

- **Bill of 20 march 2001 regarding the research on embryos in vitro**
- **Three objectives:**
 - **To determine the conditions to perform research on supernumerary embryos or on embryos created for research purposes**
 - **To oppose research or treatment for eugenic purposes**
 - **To prohibit reproductive cloning of humans**
- **Article 9 and further: Establishment of the Federal commission for medical and scientific research on embryos in vitro**

Overview

1. **The Law regarding research on embryos in vitro**
2. **Further legislative initiatives**
3. **Research on embryos in vitro in other European countries**
4. **Current topics**

Embryo Law

Research on supernumerary embryos is allowed

Conditions:

- **Therapeutic purpose or contribution to a better knowledge about fertility, etc.**
- **The research is founded on the most recent scientific findings and is conform the requirements of correct scientific methodology**
- **The research is conducted in a licensed laboratory that is linked to an academic programme for assisted reproduction or human genetics**

Embryo law

Research on supernumerary embryos is allowed

Conditions:

- **The research is conducted under the supervision of a specialist or a qualified person**
- **The research is performed on embryos during the first 14 days of development, the period of freezing not included**
- **There is no other research method that is equally efficient**
- **A favorable advice by the local ethics committee**
- **No negative advice by the FCE**
- **Informed written consent by all the persons involved**
- **Progress report**

Embryo Law

It is forbidden:

- To place human embryos in animals or to create chimaera or hybrids
- To replace embryos on which research has been conducted in humans
- To use embryos, gametes and embryonic stem cells for commercial purposes
- To conduct research or treatment for eugenic purposes
- Reproductive cloning of humans

Embryo Law

- **Creation of embryos in vitro for research purposes**
- **Very controversial**
- **Subsidiarity => the goal of the research cannot be achieved by research on supernumerary embryos**

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Further legislative initiatives

- **Only one amendment**
- **Law of 6 July 2007 regarding medically assisted reproduction and the destination of supernumerary embryos and gametes**
- **Human Tissue Act of 19 December 2008**

Law regarding medically assisted reproduction

- **Non-remunerated use of supernumerary embryos in a scientific research programme is allowed**
- **Trade in supernumerary embryos is forbidden**
- **Agreement with explicit consent**
- **Consent can be withdrawn until the start of the research programme**

Human Tissue Act

- **Definition “human tissue” and “embryo”**
- **Something new?**
- **Article 11: health related information concerning the donor with significant importance**
- **Secondary use of human tissue**

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Research on embryo's in vitro in other European countries

- **Research on supernumerary embryos**
- **Embryos created for the purpose of research**

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Current topics

- **Constitutional Court Belgium 5 October 2011**
- **Difference between embryos in vivo and vitro**
- **Children rights and research on embryos**

Current topics

- **Directive 98/44/EG on the legal protection of biotechnological inventions**
- **Uses of human embryos for industrial or commercial purposes is unpatentable**
- **European Court of Justice: C-34/10 – Judgment 18 October 2011**
- **A stem cell obtained from a human embryo at the blastocyst stage?**

Current topics

- any human ovum after fertilisation, any non-fertilised human ovum into which the cell nucleus from a mature human cell has been transplanted, and any non-fertilised human ovum whose division and further development have been stimulated by parthenogenesis constitute a 'human embryo'
- Only use for therapeutic or diagnostic purposes which is applied to the human embryo and is useful to it is patentable => not scientific research

Current topics

- **New case: C-364/13 – 28 Juin 2013**
- **Are unfertilised human ova whose division and further development have been stimulated by parthenogenesis, and which, in contrast to fertilised ova, contain only pluripotent cells and are incapable of developing into human beings included in the term "human embryos" in Article 6(2)(c) of Directive 98/44/EC1 on the Legal Protection of Biotechnological Inventions?**

Current topics

- **Affaire Costa et Pavan v. Italy – European Court of Human Rights**
- **Legality of PGD in Italy**
- **Similar issues**

Questions?

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