

HFEA Statutory Approvals Committee

27 June 2013

Finsbury Tower, 103-105 Bunhill Row, London, EC1Y 8HF

Minutes – Item 4

Centre 0314 (The Leeds Centre for Reproductive Medicine) – Application for Special Directions to export patient sperm to Cyprus

Members of the Committee:	Committee Secretary:
David Archard (lay) Chair	Lauren Crawford
Sue Price (professional)	
Rebekah Dundas (lay) (Videoconference)	Legal Adviser:
Debbie Barber (lay)	Stephen Hocking, DAC Beachcroft

Declarations of Interest: members of the Committee declared that they had no conflicts of interest in relation to this item.

The following papers were considered by the Committee

- Executive Summary
- Additional information from Centre (redacted)
- Minutes of the SAC 25 April 2013
- Previous Committee Papers
 - Application form (redacted)
 - Executive Summary

The Committee also had before it

- HFEA Protocol for the Conduct of Licence Committee Meetings and Hearings
- 8th edition of the HFEA Code of Practice
- Human Fertilisation and Embryology Act 1990 (as amended)
- Decision trees for granting and renewing licences and considering requests to vary a licence (including the PGD decision tree); and
- Guidance for members of Authority and Committees on the handling of conflicts of interest approved by the Authority on 21 January 2009.
- Guidance on periods for which new or renewed licences should be granted
- Standing Orders and Instrument of Delegation
- Indicative Sanctions Guidance
- HFEA Directions 0000 – 0012
- Guide to Licensing

- Compliance and Enforcement Policy
- Policy on Publication of Authority and Committee Papers
- HFEA Pre-Implantation Diagnostic Testing (“PGD”) Explanatory Note For Licence Committee

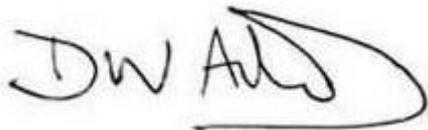
Discussion

1. The Committee noted that this centre has applied for a special direction to export five straws of a patient’s sperm to Irtadogu ve balkanar kibris tup bebek merkezi Yasam Hospital, Mustafa Kemal Bulwari, Famagusta, Mersin 10, Northern Cyprus.
2. The Committee noted that the HFEA Act 1990 (as amended) permits the Authority to issue directions to allow the export of gametes or embryos to countries outside the United Kingdom. Furthermore, the Committee noted that if a licensed centre meets all requirements set out by General Directions 0006, of which there are nine, export is permitted without the need for Special Directions.
3. The Committee noted that this application for special directions is being made because the centre is unable to export the sperm under the auspices of general directions because they are not able to meet the requirements of section (h) of the Schedule 4 of General Directions 0006: that ‘the gametes or embryos are not exported if they could not lawfully be used in licensed treatment services, namely medical, surgical or obstetric services for the purpose of assisting a woman to carry a child or to be stored for such a purpose in the future’. The specific issue is that the centre cannot guarantee that the intended egg donor will not be anonymous, or has not been reimbursed in excess of UK limits.
4. The Committee noted that this application had previously been to the Committee on 25 April 2013 and was adjourned for the receipt of further information to show why export is necessary, why the sperm cannot be used in the UK, why treatment in the UK is unsatisfactory and why the choice of this particular clinic in Cyprus.
5. The Committee noted the receipt of this information from the Centre which highlights the reasoning for the export which is that the patient wishes to access this clinic and donors to broaden choice and expedite treatment. He can only extract sperm again by means of a difficult procedure which carries risks and no guarantee of success.

6. The Committee noted and was satisfied that the clinic in Cyprus who will receive the sperm has a good level of care. The Committee further notes that several HFEA licensed centres have a good working relationship with the clinic.
7. The Committee are aware of the Authority's wider view, the ongoing discussions and review regarding the issue of General and Special Directions for Import/ Export process, and the remit of the HFEA in such cases.
8. The Committee would also like to remind the Centre that each application is assessed individually on its facts and that previous cases do not set a precedent. In particular the Committee did not intend its decision in this case to pre-judge the outcome of the Authority's wider review.
9. The Committee regarded the UK requirements for gamete donation to be important. Special directions would not be granted routinely, or where the purpose or dominant effect appeared to be to circumvent those requirements. In this case the purpose of the export appeared to be to give a patient with a limited amount of his own sperm the greatest chance to conceive a child genetically related to him. That was a proper objective. The Committee had regard to Articles 8 and 12 ECHR, and understood that any interference with those rights would have to be proportionate. The Committee was not satisfied that such an interference would be proportionate in this case when a review of the wider issue was pending. The Committee resolved to grant the Special Directions in this case for Centre 0314 to export five straws of patient's sperm to Irtadogu ve balkanar kibris tup bebek merkezi Yasam Hospital, Mustafa Kemal Bulwari, Famagusta, Mersin 10, Northern Cyprus.

Signed:

Date: 17/07/2013

A handwritten signature in black ink, appearing to read 'DWA' followed by a stylized flourish.

David Archard (Chair)