



## **PRESS RELEASE OF THE ETHICS COMMITTEE OF THE FRENCH NATIONAL ACADEMY OF MEDICINE**

### **Bill project on bioethics**

#### **Medical assistance to procreation and its extension to infertile couples. Access to origins. Child protection. Exclusion of any eugenics**

The bioethics bill adopted by the French National Assembly at a second reading on July 31, 2020 will soon be presented to the Senate for a second reading.

The main chapters and articles that open up new possibilities raising an ethical debate include in particular:

- Access to Medically Assisted Procreation (MAP) for any couple formed by two women or unmarried woman.
- The possibility of carrying out oocyte self-preservation or having recourse to embryo preservation, after in vitro fertilization, with the intention to implement this project later.
- The possibility for beneficiaries of a third-party donor MAP to obtain "non-identifying" data<sup>1</sup> about this donor after the birth of a child resulting from a donation.
- Access, for any adult conceived by MAP with a third-party donor, at their request, to the identity and non-identifying data of this third-party donor. The third-party donor may proceed with the gamete or embryo donation only after having given his consent to the subsequent communication of his identity and non-identifying data at the time of the donation. The collection of prior consent from third party donors prior to the application of this law shall be required before communication of these data.
- In the case where, with the consent of the couple or the unmarried woman, embryos are stored for research purposes, the establishment of a five-year

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<sup>1</sup> Non-identifying data: age, general condition, physical characteristics, family and professional situation, country of birth, motivation for the donation

period at the end of this storage is terminated if these embryos have not been included in a protocol.

### Proposals of the Ethics Committee of the National Academy of Medicine

- To subscribe to the principle of absolute respect for the best interests of the child and his or her possible choice to access his or her origins from the age of majority<sup>2</sup>.
- Do not penalize infertile couples for medical reasons by a prolonged waiting period, linked to the extension of the indications of MAP and the increased imbalance between supply and demand of gametes
- In this respect, to put in place all the necessary support measures to promote gamete donations in full respect of free and anonymous donation. At the age of majority, the child born from the donation may, at his or her request, access non-identifiable data. However, access to the donor identity is only possible with his explicit and signed agreement on the day of the donation.
- This access to non-identifying data and to the donor's identity should be entrusted to the National Council for Access to Personal Origins (“Conseil National pour l'Accès aux Origines Personnelles”, CNAOP), which has ever taken care of it, rather than to a new structure.
- To include information on the real success/failure rates of oocyte self-preservation techniques in the guide-file given to the members of the couple or to the unmarried woman, emphasizing the real decrease in fertility linked to age and the need for a specialized medical support for the pregnancy planning.
- Not to consider the reimbursement by Health Insurance of MAP techniques for non-medical indications or personal convenience, leaving it up to the mutual insurance companies to include this provision in their contracts.
- To forcefully recall the prohibition of any eugenic approach and ensure that embryos are preserved from any procedure for experimental purposes.

*Text approved on Friday January 29, 2021 by the Academy's Board of Directors*

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<sup>2</sup> It is recalled that since the decision of March 21, 2019 of the French “Conseil constitutionnel” (No. 2018-768 QPC), the protection of the best interests of the child is a constitutional obligation.