

Annex- Comparative table of the Government's Draft law on MARTD and of the amended version by the Senate's Committees

Provisions	Government's Draft law n° 63/2012 (29 September 2011)	Senate's Committees amended version (5 March 2012)
Title	Medically Assisted Reproduction by Third Donor (MARTD)	Medically Assisted Reproduction (MAR)
MARTD/MAR	<p>Purpose: To establish the legal framework of the MARTD, confidentiality and transmission of related information (Article 1);</p> <p>To answer the demand of parents to remedy diagnosed pathologic infertility or to avoid the transmission of a disease of a certain severity to the child (Article 5);</p>	<p>Recognition, regulation and guarantee of the MAR, confidentiality and transmission of related information (Article 1);</p> <p>To answer the demand of a couple/single woman to remedy diagnosed infertility or to avoid the transmission a disease of a certain severity to the child or to a member of a couple (Article 9);</p>
	<p>Definitions: MARTD: procedures and techniques, reproduction material coming from a third donor;</p> <p>Right to reproduction: to freely decide on the number, frequency and the moment of having children and to have access to information, education and means for such a decision;</p> <p>Reproductive health</p> <p>Third donor</p>	<p>MAR: medical field which includes the treatments and procedures of artificial insemination, in vitro fertilization and embryos transfer;</p> <p>Right to reproduction</p> <p>MARTD Third donor Surrogate motherhood Gametes</p> <p>Preimplantatory diagnosis: to identify sever monogenetic diseases and chromosomal diseases in the cases of the couples at risk, represents a precocious prenatal diagnosis;</p> <p>Preimplantatory screening</p>

	<p>Information Counseling</p> <p>Infertility</p> <p>Artificial insemination with reproductive material from a donor ;</p> <p>In vitro fertilization with reproductive material from a donor: at least one gamete from a donor (Articles 3 and 9);</p>	<p>MAR technologies: medical techniques aiming to assure the reproduction of couples and of a single woman or to correct the infertility status, including artificial insemination, <i>in vitro</i> fertilization and embryos transfer ;</p> <p>Information Counseling</p> <p>Sterility: incapacity to naturally conceive, to carry or to give birth to a child;</p> <p>Infertility: involuntary and significant reduction of the natural ability to procreate of a couple or a single woman finding herself at the biological age to procreate;</p> <p>Medically assisted reproductive couple: heterosexual couple who beneficiates of MAR;</p> <p>Artificial insemination</p> <p>In vitro fertilization</p> <p>Embryos transfer: transfer in the womb of a woman of the embryos obtained in the lab as a result of <i>in vitro</i> fertilization;</p> <p>Reproductive assistance contract: deed concluded between the couple/single woman and the authorized medical center (Article 5);</p>
	<p>Conditions:</p> <p>MARTD:</p> <p>Conditions for the parents (Article 6): a man and a woman or a single woman who:</p> <ul style="list-style-type: none"> -fulfill the medical criteria related to the physical and mental health established by the Health Ministry; -suffer of an infertility that cannot be treated by any 	<p>MAR:</p> <p>Cumulative conditions for the man and woman (Article 10 § 1):</p> <ul style="list-style-type: none"> -to be in life; -fulfill the medical criteria related to the physical and mental health established by the Health Ministry; -to consent in advance to one of the techniques;

	<p>classical therapeutic method or a surgical intervention, especially in those cases: immunological incompatibility, impossibility of contact between the two germinal cells, unknown causes.</p> <p>Third donor (Article 10 § 1): medical criteria of selection regarding the quality and the quantity of gametes, the required physical and mental health that can influence the genetic heritage of the child will be approved by the Health Ministry;</p> <p>Donation is for free, based on a contract, the identity of the donor is confidential (Article 10 § 2); It is forbidden the collection of reproductive material from a deceased person (Article 10 § 3);</p>	<p>-full legal capacity and not deprived of parental rights. Condition for the woman (Article 10 § 2): -to be between 18 and 47 years old.</p>
	<p>Procedure: MARTD: An application should be addressed to the medical center by the parents; Medical staff should inform the parents on the possibilities of success and failure, risks for the mother and the child, check their motivation and inform them on the existing possibilities of adoption provided by the law; The parents receive a guide which includes the description of the medical techniques, legal information on the MARTD; Medical center should give a reasoned answer within 30 days; Medical center should collect the written consent of the</p>	<p>MAR: An application should be addressed to the medical center by the couple/single woman; Medical staff should inform or counsel the couple /single woman on the possibilities of success and failure, risks for the mother and the child, check their motivation and inform them on the existing possibilities of adoption provided by the law; Medical staff should assure that that the applicants receive guide which includes the description of the medical techniques of the MAR and legal information; Medical center should give a reasoned answer within 30 days;</p>

	<p>third donor and of his/her wife/husband and of the woman to whom the treatment is given and of her husband; The donors and their partners can revoke their consent until the use of gametes. (Article 8); Confidentiality of information (Article 11)</p>	<p>After the approval of the medical center, the couple/single woman should obtain the approval of the commission of approval of the donation (Article 12). The consent of the couple, unmarried couple/single woman should be given previously before a public notary; Contract of reproductive assistance between the applicants and the medical center; Are forbidden: -use of embryos for commercial purposes; -use of MAR and of the genetic engineering to alter the human genome, for interspecies combination; -sex selection of the child, unless its purpose is to avoid the transmission of a severe disease; -egg to egg or spermatozoid to spermatozoid fertilization or any kind of reproductive or artificial embryo cloning; create and use of fertilized eggs only for research; -use of gametes on which research was made; -selection of donor according to genetic criteria, the donor can be selected to correspond with the phenotype of the parents; -recollection of reproductive material from a deceased person; Stocks of embryos: for max. 5 years, after being destroyed; Destruction of embryos also in case of decease of one member of the couple/single woman and if the couple breaks up and if one of them</p>
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		wishes to destroy the embryos;
		MARTD (Articles 20-23) Third donor can be compensated with the equivalent of the value of 5 restaurant tickets;
Surrogate motherhood		(Articles 24-31) Age of the surrogate mother will be between 18 and 40 years old; She cannot also be the egg donor; Non-commercial contract between the couple/single woman and the surrogate mother, nevertheless the necessary costs during pregnancy (medical investigations, procedures, medical care, transportation, accommodation and medical insurance) can be covered by the couple/single woman ; Surrogate mother can be compensated with the equivalent of the value of food during pregnancy and childbed representing 5 restaurant tickets per day; Revocation of the contract before fertilization by one of the parties will engage the civil responsibility of the other party for any damage produced; Revocation of the contract or abortion for medical reasons will not engage the civil responsibility for damage; Surrogate mother should give the baby within 48 hours from the birth; Surrogate mother has the right to maternity leave; Affiliation is established by or by court judgment

