
Cross border ART in central Europe; between national laws and patients' needs

MICHAEL FEICHTINGER MD, PHD

WUNSCHBABY INSTITUT FEICHTINGER, VIENNA, AUSTRIA

KAROLINSKA INSTITUTET, STOCKHOLM, SWEDEN



Background

- 56% of all IVF cycles worldwide in Europe
- Wide variability of legislation
 - Cross border reproductive care
- In EU
 - Freedom of patient movement
 - Free transport of people and
 - Free transport of goods
- 2010 24.000-30.000 cycles in Europe of cross border IVF with 11.000-14.000 patients (5% of all treatments)



<https://globalivf.com>

Who are those patients?

- Patients with sometimes several IVF-attempts in their own countries
- Patients around their 40's
- Well situated patients that can afford the treatment
- Well informed patients!

Why are they travelling abroad?

International Federation of Fertility Societies' Surveillance (IFFS) 2019: Global Trends in Reproductive Policy and Practice, 8th Edition

The International Federation of Fertility Societies (IFFS) is a federation of national membership societies that have an interest in the clinical and research aspects of reproduction and fertility. IFFS is a non-governmental organization (NGO) in official relations with the World Health Organization (WHO).

Legal Reasons

Legal reasons

WHO?

- Age
- Marital Status
- Sexual orientation

WHAT?

- Preimplantation genetic diagnosis
- Gamete Donation
- Surrogacy

Case #1

Healthy couple, both around 30 years old

One parent of the male partner has Chorea Huntington

He is a carrier and will get the disease

→ Possibilities

Preimplantation genetic diagnosis (PGD) for this disease not possible in Austria

IVF with PGD in the Czech Republic or GB with transfer of surplus embryos to Austria

Preimplantation genetic diagnosis

PERMITTED

Austria

Czech Republic

France

Hungary

Italy

Slovakia

Switzerland

Germany

NOT PERMITTED

Case #2

Single woman, 37 years, reduced ovarian reserve

- Oocyte cryopreservation in her case possible but problematic due to ovarian function
- Order of a spermsample from Danmark (Cryos or ESB) and home insemination +- ultrasound controls (with rather low pregnancy rates)
 - Find a „Partner“ (same or opposit sex) (CAVE legal issues)
 - Treatment in Danmark or Germany
 - One Night Stand – ethical problematic and associated with medical risks!

Single Women

TREATMENT PERMITTED

Germany?

Danmark

NOT PERMITTED

Austria

Czech Republic

France

Hungary

Italy

Slovakia

Switzerland

Case #3

Same-Sex couple (28 and 27 years old) from Germany

1. Partner with a severely reduced ovarian function
2. Partner wants to donate oocytes so that her partner can get pregnant.



Since the „donor“ is <30 years old ED is permitted; no discrimination for same sex couples

Same sex couples

IVF PERMITTED

Austria

IVF FORBIDDEN

Hungary

Germany?

Czech Republic

France

Italy

Slovakia

Switzerland

Egg Donation

PERMITTED

Austria

Czech Republic

France

Hungary

Italy

Slovakia

FORBIDDEN

Germany

Switzerland

Case #4

Couple in their mid 40's

6 children together (all boys!)

Wants IVF with sex-selection for a girl



Not permitted; due to her age IVF was not advised – otherwise referred to Israel

Sex Selection

PERMITTED

NOT PERMITTED

Austria

Czech Republic

Germany

France

Hungary

Italy

Slovakia

Switzerland

Case #5

Couple, mid 30's

Cervical cancer with 29, chemotherapy and hysterectomy

Wants embryos cryopreserved



Cryopreservation of embryos in Austria

- Uterine Transplantation
- Surrogate motherhood in Greece

Surrogate Motherhood

PERMITTED

Greece

Portugal

Great Britain

No regulation

- Czech republic
- Ireland
- Belgium
- Netherlands

NOT PERMITTED

Austria

Germany

Hungary

Italy

Slovakia

Switzerland

Access to care

Case #6

Hungarian couple in their early 40's

Due to national waiting list no soon possibility for IVF



IVF in Austria (or any other country) with no waiting list

Countries with restricted access

Hungary

UK

ACCESS TO DONORS!

France

Italy

Austria



Other reasons for cross border care

- Trust
- Quality of care
- Costs
- Anonymity/non anonymity of donors
- Family in the country of IVF-treatment
- Anonymity of the patient



<https://www.businessinsider.in/>

The Austrian perspective

- Patients travelling to Austria:
 - Quality of care (eastern Europe/Germany)
 - Same-sex ART
 - Preimplantation genetic testing
 - Oocyte donation
- Patients travelling from Austria:
 - Single women
 - Preimplantation genetic testing
 - Oocyte donation
 - Social freezing
- Surrogacy
- Sex selection



BENEFITS

- Better quality care
- Reduced costs
- Avoidance of discrimination
- Economic factor (tourism)
- Protected privacy

RISKS

- Language barrier
- Increased costs
- Quality difficult to assess for the patient
- Economic factor (donors)
- Legal problems (surrogacy)

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- Physicians have no duty to actively inform patients
 - Physicians must not misinform patients when responding to ART options abroad (conflict with German law)
 - Physicians have no duty to learn about or disclose legal and practical barriers
 - Referral to other qualified experts, including mental health professionals should be considered

Cross-border reproductive care: an Ethics Committee opinion

Ethics Committee of the American Society for Reproductive Medicine
American Society for Reproductive Medicine, Birmingham, Alabama

Conclusion

- Cross-border reproductive care (especially) in Europe and the EU is reality
- There is certain benefits and risks involved with cross-border ART
- Patients are well informed and information should be supplied
- Realistically EU-wide laws dealing with assisted reproduction will not happen that soon

Thank you for your attention!

LAINZERSTRASSE 6,
1130 WIEN

WWW.WUNSCHBABY.AT

MICHAEL.FEICHTINGER@WUNSCHBABY.AT

ROSSEGGERSTRASSE 4,
2500 BADEN