

Family - Buschmann considers cell donation legalization possible

Before the next federal election, Green politicians are trying to bring at least one more proposal on so-called reproductive self-determination into motion. Which one it will be is still open.

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A sperm cell is injected into an egg cell. Will egg donation be legal soon? (Archive image)

Federal Justice Minister **Marco Buschmann** sees good chances for an initiative to legalize egg cell donation in Germany before the federal election in September 2025. Such a reform would support people with an unfulfilled desire to have children.

Regarding the SPD faction's and Green politicians' planned reform of paragraph 218 in the Criminal Code regarding abortion, Buschmann expects no quick consensus from the FDP politician. "There are particularly difficult constitutional issues with abortion," Buschmann told the German Press Agency. There are varying perspectives within the government coalitions and in society regarding these issues. "I see much more agreement on egg cell donation," he explained. It is also clear: "A permit for egg cell donation would be in line with the Basic Law."

"No overriding medical or psychological risks"

In the coalition agreement between SPD, Greens, and FDP from 2021, there is no fixed position on either issue but only the declared intention to deal with these issues. Literally, it says in the agreement: "We establish a commission on reproductive self-determination and reproductive medicine, which will examine regulations for abortion outside the Criminal Code as well as possibilities for the legalization of egg cell donation and altruistic surrogate motherhood."

In April, the commission finally issued its recommendations. It found that "there are no overriding medical or psychological risks that speak against a legalization," said the Justice Minister. This also suggests a look at other European countries where egg cell donation is legal. "From my personal perspective, there are good reasons to lift the absolute ban on egg cell donation in **Germany**," Buschmann told the dpa.

Commission outlines conditions for egg cell donation

In complex ethical questions, it is good tradition for legislative proposals not to be initiated by the Federal Government but from the middle of the **Bundestag**. Within the government coalitions, there is a desire to handle this matter in the same way in this concrete case. "I respect that," emphasized Buschmann.

The experts commission also suggests that abortions in the early phase of pregnancy no longer be punishable. The existing consultation requirement before an abortion is called into question. For egg cell donation, it outlines several conditions: For instance, the trade with egg cells should remain prohibited. The child's right to know his or her origin must be safeguarded.

FDP's parliamentary group spokesperson announces initiative

Buschmann's party colleague, Katrin Helling-Plahr, intends to initiate the process soon. The parliamentary group spokesperson for the FDP-Bundestagsfraktion announced: "I intend to contact my colleagues from the other democratic factions soon and invite them to work together on a joint draft resolution on the legalization of egg cell donation." The currently valid ban is medically and socially no longer justifiable. After all, with the exception of Germany and Luxembourg, all EU member states have already taken the path of legalization. "It's high time that we in the 21st century catch up and enable women to make a self-determined decision about whether they want to donate their egg cells," she finds. Bundesminister of Health Karl Lauterbach (SPD) has also shown himself open to reform on this issue.

What Helling-Plahr's proposal specifically looks like was not stated by him. For instance, the question arises as to whether women in general should be allowed to provide eggs for women who cannot get pregnant, or if one might initially limit oneself to so-called excess eggs. These are eggs that are removed from a woman during fertility treatment but are not used by her for a pregnancy herself.

The Self-Determination Law has caused heated debates

Topics that can develop significant power when they involve gender identity, social and religious norms, have already caused sharp debates during the discussions on the Self-Determination Law by the Federal Government. The draft bill of the traffic light coalition from the Bundestag and Bundesrat has now been approved. The reform will come into force this year. The law will make it significantly easier for transgender, intergender, and non-binary people to change their gender registration and first names legally. All that will be required is a declaration at the registry office. A court decision and two expert reports, which were previously necessary, will no longer be required.

Buschmann believes that the social climate has changed in recent years. The uncertainty has grown, and the debates have become sharper. "I find it therefore not surprising that a law like the Self-Determination Law is being discussed very controversially - and that's as it should be," said the Federal Justice Minister. The Constitution protects not only free speech but also the fundamental right to respect for one's sexual identity. And since parts of the Transsexual Law are unconstitutional, there was an "urgent need for legislative action" in this area.

Recently, the case of a Trans woman who had approached the Anti-Discrimination Office of the Federation because she had been denied membership in a Women-only Fitness Studio in Erlangen caused a stir in the media. However, according to the Federal Justice Minister, this controversy does not provide arguments for those who are against the Self-Determination Law. Buschmann said: "The Self-Determination Law does not touch upon property rights." In matters relating to the protection of privacy, different treatments based on gender can be justified. The new law will not change this.

1. Marco Buschmann, the German Federal Justice Minister, believes that there's a good chance for legalizing egg cell donation in Germany before the federal election in September 2025.
2. Regarding the SPD faction's and Green politicians' plan to reform paragraph 218 in the Criminal Code regarding abortion, Buschmann expects no quick consensus from the FDP politician.
3. The coalition agreement between SPD, Greens, and FDP from 2021 doesn't have a fixed position on abortion or egg cell donation legalization, but they intend to deal with these issues.
4. In April, the commission found "no overriding medical or psychological risks" that speak against egg cell donation legalization, suggesting a look at other European countries where it's legal.
5. Katrin Helling-Plahr, the FDP's parliamentary group spokesperson, intends to initiate the process for egg cell donation legalization in Germany soon.

6. Businessman Lauterbach (SPD) has shown himself open to reform on this issue, and Helling-Plahr wants to work with other democratic factions to draft a resolution for legalization.
7. The Self-Determination Law, which makes it easier for transgender, intergender, and non-binary people to change their gender registration and names legally, has caused heated debates in Germany.
8. Buschmann believes that social climate has changed in recent years, and although debates are controversial, the Constitution protects free speech and the fundamental right to respect for one's sexual identity.