COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Strasbourg, 29 October 2026 CJ-OR(2026)05

Committee of Experts on access to origins
(CJ-OR)

4th meeting

27-29 October 2026

Strasbourg, Agora Building – room G02 and online

MEETING REPORT

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1-2. Opening of the meeting, and adoption of the agenda

1. The Committee of Experts on access to origins (CJ-OR) held its 4th meeting in Strasbourg and online on 27-29 October 2026, under the chairmanship of Thomas Knoll-Biermann (Germany).

2. The agenda appears in Appendix I. The list of participants is set out in Appendix II.

3/5 Information by the Chair and the secretariat and update on key developments and other events by members and observers

3. The Chair and secretariat updated the CJ-OR on the discussions that had taken place with the CDCJ (Plenary 2-4 June 2026) and its Bureau (6-7 October 2026). The CDCJ welcomed the progress made by the CJ-OR until now, and examined, in the light of the comments received from delegations, the draft recommendation on the rights of donor-conceived persons to know their origins and provided further guidance to the CJ-OR on moving forward with the draft recommendation and its explanatory memorandum. It pointed to areas requiring further consideration by the CJ-OR: the scope of the recommendation and its relationship with surrogacy; the extent of the right of donor-conceived persons to know their origins, notably access to health and genetic data; access to siblings' information and the status of donor's legal children; cross-border situations; non-retroactivity of principles regarding the extent of anonymity of donors and transitional arrangements; the collection, storage, preservation and disclosure of data, including safeguards relating to privacy and data protection; administrative and the budgetary burden on member states; and the degree of flexibility to be afforded to member states in implementing the recommendation while ensuring effective protection of the rights of donor-conceived persons.

4. Given the complexity of the issues at stake, the divergent interests at play, and diversity of legal frameworks in Europe, the CDCJ decided that CJ-OR's terms of reference needed to be extended by one year to enable the completion of the ongoing work and consultation by the end of 2027 and the relevant request was sent to the Committee of Ministers. On 23 September 2026, the Committee of Ministers extended the CJ-OR's terms of reference until 31 December 2027 (document CJ-OR(2025)01 rev2).

5. During the meeting Bureau of the CDCJ (6-7 October 2026), the Chair of the CJ-OR, Thomas Knoll-Biermann (Germany), and its consultant Laurence Brunet presented key challenges that emerged in the draft recommendation on donor-conceived persons' rights to know their origins (document CJ-OR(2025)10 prov5 - restricted). These challenges arose following the Committee of Ministers' adoption on 17 June 2026 of Recommendation CM/Rec(2026)10, which establishes harmonised protection measures for third-party gamete donors as developed by the European Committee on Organs, Tissues and Cells (CD-P-TO). The several critical outstanding issues that required resolving were discussed, including the questions of establishing a maximum number of recipients per donor, the necessity of implementing registries and how to ensure their alignment with Recommendation CM/Rec(2026)10, approaches to handling transitional arrangements for past cases involving donor anonymity, and free support services without charge. These issues represent significant points of discussion that will shape the finalisation of the recommendation on donor-conceived persons' rights.

6. The CJ-OR was informed by the CD-P-TO representative about plans to establish a working group on medically assisted reproduction (MAR). This group would focus on three key

areas namely (i) gamete donors: Rights, protection, and regulatory diversity across Europe; (ii) donor-conceived persons: Rights and access to donor information (medical/non-identifying); and (iii) MAR users: Rights, protection, and treatment access disparities. The working group would aim to identify priority issues and propose concrete projects for European harmonisation. The CJ-OR raised concerns over the start of this work considering that the work on the recommendation on the rights of donor-conceived persons to know origins was underway and would require another year. Therefore, the timing for this work was questioned as it could lead to duplication and divergence. The CJ-OR emphasised that any work in the area must built upon the work of the CDCJ and CJ-OR (its existing mandate) rather than developing competing standards or drawing up guidance before the recommendation has been adopted. In this respect, it was underlined that the positions in the existing draft had already undergone extensive consultations within the CJ-OR and the CDCJ over two years. The CJ-OR welcomed the interest of the CD-P-TO in further co-operation, but stressed that it should not hamper its work on the recommendation on donor-conceived persons' rights which should become the primary reference point for any related initiatives.

7. The CJ-OR was also informed about the discussions taking place in Denmark, particularly at the Danish National Council on Ethics and its recent report on "Anonymity in Sperm and Egg Donation",[1] with the Council advocating for the removal of anonymity for gamete donation, giving due consideration to the interests of donor-conceived persons.

8. The Chair has also updated the committee on the bilateral discussions, held in between the two meetings, with the Danish and Spanish counterparts, for clarifying the national legal frameworks and situations with regard to the donor-conceived people.

4. Discussion on the draft recommendation on the rights of donor-conceived persons to know their origins

9. The Committee examined the draft recommendation (document CJ-OR(2025)10 prov5 *(restricted)*), in light of the CDCJ and its Bureau's feedback, and the CJ-OR's representatives written comments (document CJ-OR(2026)04 *(restricted*)).

10. The Committee reviewed proposed amendments to the draft Recommendation and its Appendix. The CJ-OR agreed on the following points:

Preamble

- Replace "filiation" with "legal parenthood" in paragraph P and use that term consistently throughout the draft.

Operative part

- In paragraph 3, harmonise the terminology "identifying, non-identifying and health data, and", including the order in which those terms appear throughout the draft recommendation.

[1] https://www.etiskraad.dk/udgivelser/assisteret-reproduktion/anonymitet-ved-saed-og-aegdonation

Appendix

Scope and definitions

- Rearrange the section, and also move the paragraph concerning the adoption issue as a last paragraph; as well as delete the final part of this paragraph and paragraph 29 concerning the regulation of legal parenthood, making clear that the Recommendation does not determine legal parenthood; and

- Delete paragraph 6 concerning the regulation of the medical procedures.

Definitions

- Expand the definition of “origins” to include “identifying, non-identifying and health data, as well as information on the potential existence of other persons conceived by the same donor” and verify the consistency of the use of the term “health data” throughout the draft recommendation;

- Delete the definition of “circumstances of conception”;

- Add “third-party” to the definition of “donor”;

- Retain a definition of “gametes” but not add a definition of “embryos”;

- Use consistently the wording “child’s age and maturity” / “*à son âge et son degré de maturité*”, in line with Article 12 of the CRC; and

- Narrow down the definition of “persons conceived from the same donor”.

Knowing one’s origins

- Reexamine during its next meeting the paragraphs that concerned “origins”, “circumstances of conception”, with a view to harmonising them and avoiding overlaps;

- Modify paragraph 13 and address the relationship between direct-to-consumer DNA testing, legal anonymity and donors’ expectations of anonymity issues in the explanatory memorandum;

- Delete paragraphs 14 and 15, whilst retaining the ideas expressed in the explanatory memorandum;

- Add “accessible and effective” in paragraph 16;

- Add a paragraph under the subheading on accessing information relating to the donor, clearly distinguishing the right to access information about one’s origins from the right to contact or meet the donor;

- Modify paragraph 18 to provide for “accessible and effective procedures for donor-conceived persons to obtain data relating to the donor(s), free of charge”; and

- Delete paragraphs 19 and 20 and the subheading on “contacting and meeting the

donor(s)".

Collection, storage and updating of data

- Add a subheading and corresponding paragraph on "Information and agreement of the donor";

- Add "heritable" in paragraphs 25 and 26;

- Add a subheading, "Updates and additional information", concerning donors' data; and

- Add a subheading on limits on the number of children or families resulting from a single donor, using a more concise formulation. The explanatory memorandum would explain the provision in relation to Recommendation CM/Rec(2026)10, which addresses the same issue.

Donor registries

- Delete paragraph 28 and replace it with a more concise formulation that allows more flexibility for its implementation for member states; and

- Delete paragraph 29 and the subheading on the legal status of the donor and the person conceived as a result of the donation.

Data relating to persons conceived from the same donor(s)

- Delete the second part of paragraph 31 and explain the consent requirements for donor-conceived persons in the explanatory memorandum.

Transitional provisions

- Delete from paragraph 32 the part concerning precedence being given to the donor-conceived person's right where the donor is deceased;

- Move the paragraphs concerning transitional provisions towards the end of the draft recommendation.

Comprehensive support services

- Change the subheading to "Information, assistance and support services"; and

- Include "free of charge" in paragraph 37 in relation to information and assistance for donor-conceived persons. The CJ-OR acknowledged potential challenges this approach might present for member states from the financial or implementation point. It also considered discriminatory effects that might arise from maintaining different cost structures for donors versus donor-conceived individuals, arising from the fact that Recommendation CM/Rec(2026)10 already prescribes a "free of charge" solution for donors.

Cross-border situations

- Use “cross-border transfer” instead of “imported” in paragraphs 38 and 39.

11. The Committee entrusted the secretariat, the chair, the vice-chair and the consultant with preparing a linguistic revision of the draft recommendation, based on the text agreed during the meeting, ensuring consistency of terminology in both languages.

12. The CJ-OR also discussed the structure of the explanatory memorandum, which will also include the details that have been agreed during this meeting. The Committee entrusted the secretariat, in co-operation with the Chair, the Vice-Chair and the consultant, to provide a draft explanatory memorandum early January 2027.

13. The Committee also agreed to share this revised version of the draft recommendation agreed at the 4th meeting with the CDCJ as soon as possible, in advance of its November plenary meeting to make consultations in the capitals possible and to receive further guidance of the CDCJ.

6. Any other business

14. None.

7. Date and place of next meeting

15. The Committee agreed to hold its 5th meeting would be held from 9 to 11 February 2027 and 6th meeting on 29 June to 1 July 2027, in Strasbourg and online, and agreed to the workplan and calendar of CJ-OR activities for 2025-2027 (document CJ-OR(2025)02 rev2).

8. Adoption of the meeting report

16. The CJ-OR adopted the report of its 4th meeting.

Appendix I

Agenda

1.	**Opening of the meeting**	Working document • Provisional list of participants CJ-OR(2026)LP2 prov
2.	**Adoption of the agenda and order of business**	Working document • Draft agenda CJ-OR(2026)OJ2 prov
3.	**Information by the Chair and the Secretariat**	Working documents • Report of the CDCJ 106th plenary meeting (2-4 June 2026) CDCJ(2026)16 • Report of the 125th meeting of the Bureau of the CDCJ (6-7 October 2026) CDCJ-BU(2026)04 • Workplan and calendar of CJ-OR activities for 2025-2027 CJ-OR(2025)02 rev2 prov
4.	**Draft Recommendation on the rights of donor-conceived persons to know their origins and its draft explanatory memorandum**	Working documents • Draft recommendation on the rights of donor-conceived persons to know their origins CJ-OR(2025)10 prov5 *(restricted)* • Elements of the draft explanatory memorandum to the draft recommendation CJ-OR(2026)03 prov *(restricted)* • Compilation of CJ-OR comments received on the draft recommendation on the rights of donor-conceived persons to know their origins (version CJ-OR(2025)10 prov5) CJ-OR(2026)04 *(restricted)* Background documents • Compilation of comments received from CDCJ members on the draft recommendation on the rights of donor-conceived persons to know their origins (version CJ-OR(2025)10 prov4) CDCJ(2026)13 rev *(restricted)* • Report of the 3rd meeting of the CJ-OR (24-26 March 2026) CJ-OR(2026)02

		• Case Law of the European Court of Human Rights on the rights of donor-conceived persons to know their origins CJ-OR(2025)03 rev • Overview of European and international standards concerning the rights of donor-conceived persons to know their origins CJ-OR(2025)05
5.	**Update on key developments and other events by members and observers**	• Recommendation CM/Rec(2026)10 on establishing harmonised measures for the protection of third-party gamete donors by the Committee of Ministers of the Council of Europe on 17 June 2026 • ESHRE's position paper on international limits on the number of offspring per gamete donor (English only)
6.	**Any other business**	
7.	**Date and place of next meetings**	
8.	**Adoption of the meeting report**	Working document • Draft meeting report CJ-OR(2026)05 prov

Appendix II

List of Participants

MEMBERS / ***MEMBRES***

Member states representatives / *Représentant·es des États membres*

CROATIA / *CROATIE*	**Ms/Mme Aleksandra KORAĆ GRAOVAC** Professor, University of Zagreb / *Professeure, Université de Zagreb*
CZECHIA / *TCHÉQUIE*	**Ms/Mme Eva PETROVÁ** **apologised /** *excusée* Head of Implementation Unit at the Office of the Government Agent before the European Court of Human Rights, Ministry of Justice / *Cheffe de l'Unité de mise en oeuvre au Bureau de l'agent du gouvernement auprès de la Cour européenne des droits de l'homme, Ministère de la Justice* **Ms/Mme Nikola BURDOVÁ** Lawyer, Ministry of Justice / *avocat, ministère de la Justice*
THE NETHERLANDS / *PAYS-BAS*	**Ms/Mme Ivy VAN DIJKE** **online /** *en ligne* Policy officer responsible for the donor conception and unintended pregnancy files, Ministry of Health, Welfare and Sport / *Chargée de mission responsable des dossiers relatifs aux dons de gamètes et aux grossesses non désirées, Ministère de la Santé et des Sports*
FRANCE	**Mr/M Emmanuel VERNIER** Secretary General of the Commission for Access to Third-Party Donor Data for Persons Born from Medically Assisted Procreation, Ministry of Health (CAPADD) / *Secrétaire général de la Commission d'accès aux données des tiers donneurs pour les personnes nées d'une assistance médicale à la procréation (CAPADD), Ministère de la Santé*
GERMANY / *ALLEMAGNE*	**Mr/M Thomas KNOLL-BIERMANN** (**Chair /** *Président)* Head of Unit for Law on Parent and Child Matter, Federal Ministry of Justice / *Chef de l'unité du droit relatif aux relations parents-enfants, ministère fédéral de la Justice*
SWITZERLAND / *SUISSE*	**Ms/Mme Joëlle SCHICKEL-KÜNG (Vice-Chair /** *Vice Présidente***)** Deputy Head of the Private Law Division and Co-Head of the Private International Law Unit (PIL Unit), Federal Office of Justice of Switzerland / *Cheffe suppléante du domaine de direction Droit privé et Co-cheffe de l'Unité de droit international privé, Office fédéral de la justice*
UNITED KINGDOM / *ROYAUME-UNI*	**Ms/Mme Rachel CUTTING** **online /** *en ligne* Director of Compliance and Information, Human Fertilisation and Embryology Authority (HFEA)/ *Directrice de la conformité et de l'information,* *Autorité de fertilisation et d'embryologie humaines (HFEA)*

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Ms/Mme Linnéa BROSSNER Judge, Malmö District Court / *Juge, Tribunal de district de Malmö*
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