

**Question for written answer E-001871/2025
to the Commission**

Rule 144

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Subject: Compatibility of the Italian law criminalising surrogacy abroad with EU law

Italian Law No 169/2024 criminalises surrogacy for Italian citizens even if it takes place abroad. This legislation risks infringing citizens' right to free movement (Article 21 TFEU) and the principle of mutual recognition of public documents, including those relating to parenthood (Article 81 TFEU, Regulation (EU) 2016/1191).

It could also result in serious discrimination against children born through surrogacy in Member States where the practice is legal, undermining their right to continuity of family status and violating Articles 21 and 24 of the EU Charter of Fundamental Rights.

In the V.M.A. case (C-490/20), the Court of Justice ruled that Member States must recognise a parent-child relationship legally established in another Member State to ensure the child's full enjoyment of their citizenship rights.

In view of the above:

1. Does the Commission believe that this Italian law is compatible with EU law?
2. What measures will it take to protect children's rights and guarantee the free movement of families with children born through surrogacy in other Member States?

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