

EN
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Answer given by Ms Lahbib
on behalf of the European Commission
(13.5.2026)

The Commission's follow up to the Citizen's initiative 'My Voice, My Choice' falls within the EU's supportive competence. Any support must comply with the limitations in Article 168(7) TFEU.

One of the specific objectives of the of the European Social Fund Plus (ESF+), set out in Article 4(1)(k), is that of enhancing equal and timely access to quality, sustainable and affordable services, including the access to person-centred care including healthcare¹. Therefore, the ESF+ can support initiatives, selected at national level, that aim to ensure and enhance equal and timely access to healthcare services.

The Court of Justice of the European Union (CJEU) has held that the Treaty provisions on the freedom to provide services include the freedom for recipients of healthcare, including people in need of medical treatment². With regard to medical termination of pregnancy carried out in line with the law of the country where it takes place, the CJEU has found that it 'constitutes a service within the meaning of Article 57 TFEU'³.

The EU has in place ambitious legislation on maternity, paternity and non-transferable paid parental leave, through the Work-Life Balance⁴ and Pregnant Workers Directives⁵. The Commission will also contribute to combatting poverty through the upcoming EU Anti-Poverty Strategy. Since ESF+ is in shared management, the Commission is not diverting any resources, as Member States define their specific objectives for the use of the ESF+ funding.

¹ Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013, OJ L 231, 30.6.2021, pp. 21–59, ELI: <http://data.europa.eu/eli/reg/2021/1057/oj>.

² See recital 26, Patients' Rights Directive, as well as judgements of 31 January 1984, *Graziana Luisi and Giuseppe Carbone v Ministero del Tesoro*, C-286/82 and 26/83, ECLI:EU:C:1984:35 and judgement of 28 April 1998 *Kohll*, C-158/96, paragraph 29 and subsequent case law.

³ See judgement of 4 October 1991, *Grogan*, C-159/90, where the CJEU confirmed that abortion care is a service under internal market law, meaning that citizens can travel abroad to obtain those medical services.

⁴ Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, OJ L 188/79, ELI: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1158>.

⁵ Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC), OJ L 348, 28.11.1992, pp. 1–7, ELI: <http://data.europa.eu/eli/dir/1992/85/oj>.