

(English version)

**Question for written answer E-001222/26
to the Commission
Erik Kaliňák (NI)
(24 March 2026)**

Subject: How is it possible for the EU to fund something that is illegal in many countries? Is the Commission openly encouraging the violation of the Treaties?

In response to the European Citizens' Initiative 'My Voice, My Choice: For Safe And Accessible Abortion', the Commission has decided that Member States may use funds from the European Social Fund+ to cover the costs of abortions in any Member State ⁽¹⁾.

This decision can also be interpreted as the Commission *de facto* promoting abortion as a supranational 'right' that should be accessible and fundable across the entire EU. However, this decision completely disregards the fact that abortion laws vary significantly from country to country and that sensitive bioethical issues, such as the protection of unborn life, fall exclusively within the competence of Member States under the Treaties.

1. On what legal basis is the Commission intervening in an area that the EU Treaties expressly reserve as an exclusive competence of Member States, thereby undermining the principle of subsidiarity?
2. How can the European Social Fund+ be used to finance abortions when there is no common, generally agreed standard within the EU regarding what constitutes 'improving health' or 'healthcare' in this context, and the EU lacks the authority to establish such a standard?
3. How can common European funds be used for acts that are illegal or even criminal in many Member States (including abortions in the late stages of pregnancy)?

Submitted: 24.3.2026

**Answer given by Executive Vice-President Mînzatu on behalf of the European Commission
(15 June 2026)**

As the Commission has expressed in reply to several similar questions ⁽¹⁾ by the Honourable Members of the Parliament, the Commission's follow up to the Citizen's initiative 'My Voice, My Choice' falls within the EU's supportive competence.

One of the specific objectives of the European Social Fund+ (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 healthcare ⁽²⁾. Therefore, the ESF+ can support initiatives, that aim to ensure and enhance equal and timely access to healthcare services.

The Court of Justice of the EU 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 treatment ⁽³⁾.

With regard to the legal medical termination of pregnancy, the Court has found that it constitutes a service within the meaning of Article 57 Treaty on the Functioning of the EU ⁽⁴⁾.

The Commission's reply to the Citizen's initiative makes it clear that financial support may be provided on a voluntary basis: Member States may, if they wish, use the ESF+ to improve equal access to legally available and affordable healthcare services, including safe abortion services, in accordance with their national legislation. Any such use must respect the limits set out in Article 168(7) Treaty on Functioning of the EU.

¹ https://citizens-initiative.europa.eu/my-voice-my-choice-safe-and-accessible-abortion_en.

⁽¹⁾ E-000443/2025, https://www.europarl.europa.eu/doceo/document/E-10-2025-000443_EN.html; P-000238/2026, https://www.europarl.europa.eu/doceo/document/P-10-2026-000238_EN.html; E-001327/2026, https://www.europarl.europa.eu/doceo/document/E-10-2026-001327_EN.html; E-000990/2026, https://www.europarl.europa.eu/doceo/document/E-10-2026-000990_EN.html; E-000991/2026, https://www.europarl.europa.eu/doceo/document/E-10-2026-000991_EN.html.

⁽²⁾ 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>.

⁽³⁾ See Recital 26, Patients' Rights Directive, as well as judgments 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 judgment of 28 April 1998, *Kohll*, C-158/96, paragraph 29 and subsequent case law.

⁽⁴⁾ See judgment 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.