

(English version)

**Question for written answer E-002536/26
to the Commission**

Paolo Inselvini (ECR), Kosma Złotowski (ECR), Sergio Berlato (ECR), Arkadiusz Mularczyk (ECR), Bert-Jan Ruissen (ECR), Mariateresa Vivaldini (ECR), Nora Junco García (ECR), Laurence Trochu (ECR), Daniele Polato (ECR), Aurelijus Veryga (ECR), Carlo Ciccio (ECR), Claudiu-Richard Târziu (ECR), Margarita de la Pisa Carrión (Pfe), Șerban Dimitrie Sturdza (ECR), Jadwiga Wiśniewska (ECR), Stephen Nikola Bartulica (ECR), Geadis Geadis (ECR)
(18 June 2026)

Subject: Use of European Social Fund Plus resources to finance abortion, and the definition of healthcare

In its reply to Written Question E-000928/2026 ⁽¹⁾, the Commission stated that Member States may allocate European Social Fund Plus (ESF+) resources to abortion-related services, referring to the ESF+'s objective of improving access to healthcare services.

However, this interpretation raises serious concerns regarding both the original objectives of the ESF+ and the very notion of healthcare. Article 3(a) of Directive 2011/24/EU on the application of patients' rights in cross-border healthcare ⁽²⁾ defines healthcare as services provided to patients 'to assess, maintain or restore their state of health'. It is therefore controversial to equate with this definition a practice that deliberately brings an end to a human life at the prenatal stage.

Can the Commission clarify the following:

1. In the absence of specific pathological conditions or particular medical prescriptions, does it consider a pregnant woman to be in a situation in which it is necessary 'to assess, maintain or restore' her state of health?
2. How does it reconcile its interpretation of abortion as a healthcare service with the definition of healthcare set out in Article 3(a) of Directive 2011/24/EU?
3. In the light of the above, does it intend to amend its communication C(2026)3225 ⁽³⁾, issued on 26 February 2026 in response to the European Citizens' Initiative 'My Voice, My Choice'?

Submitted: 18.6.2026

Answer given by Ms Lahbib on behalf of the European Commission
(24 September 2026)

The Commission has clarified that Member States may use the European Social Fund Plus (ESF+) under their national or regional programmes as a way to contribute to the objectives of the 'My Voice, My Choice' initiative, as 'enhancing equal and timely access to quality, sustainable and affordable services', including healthcare services ⁽¹⁾, is one of the objectives that may be supported by the ESF+ as set out in Article 4(1)(k) of the ESF+ Regulation ⁽²⁾.

In its case law, the Court of Justice of the European Union (CJEU) has observed that the Treaty provisions on the freedom to provide services include the freedom for recipients to travel to other Member States to receive healthcare services, including medical treatment ⁽³⁾.

With regard to medical termination of pregnancy performed in accordance with the law of the State in which it is carried out, the CJEU has found that this constitutes a service within the meaning of Article 57 of the Treaty on the Functioning of the EU ⁽⁴⁾.

¹ https://www.europarl.europa.eu/doceo/document/E-10-2026-000928-ASW_EN.html.

² Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45, ELI: <http://data.europa.eu/eli/dir/2011/24/oj>).

³ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=pi_com%3AC%282026%293225.

⁽¹⁾ Communication from the Commission on the European Citizens' Initiative (ECI) My Voice, My Choice: For Safe And Accessible Abortion, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52026XC01383>.

⁽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.