

EN
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Answer given by Ms Lahbib
on behalf of the European Commission
(11.9.2026)

The Commission is committed to upholding children and women's rights, in full respect of its competences.

Substantive family law, including rules on surrogacy, falls within the competence of the Member States. Each Member State decides its policy and legal position as regards surrogacy, including its medical, psychological, ethical, financial and legal implications.

The exploitation of surrogacy is included as a form of exploitation in the Anti-Trafficking Directive¹. The Directive targets those who coerce or deceive women into acting as surrogate mothers, without prejudice to national rules on surrogacy, including criminal and family law.

¹ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (<https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>), amended by Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (<https://eur-lex.europa.eu/eli/dir/2024/1712/oj/eng>).