

EN

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Answer given by Ms Lahbib
on behalf of the European Commission
(24.10.2025)

The Commission is committed to upholding children's and women's rights within the framework of its competences.

The exploitation of surrogacy, among others, is included as a form of exploitation in the Anti-Trafficking Directive, modified by Directive (EU) 2024/1712 of 13 June 2024¹. It targets those who coerce or deceive women into acting as surrogate mothers, without prejudice to the national rules on surrogacy, including criminal and family law.

Substantive family law, such as rules on the definition of family and rules on surrogacy, falls exclusively within the competence of the Member States. Each Member State therefore decides its policy and legal position as regards surrogacy. Some Member States allow and regulate surrogacy, some Member States prohibit it, and other Member States do not have a specific legal framework.

The Charter of Fundamental Rights of the European Union applies to the EU institutions in all their actions. However, it does not extend the competences conferred on the EU by the Treaties².

¹ <https://eur-lex.europa.eu/eli/dir/2024/1712/oj/eng>.

² Article 51 of the Charter: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12016P%2FTXT>.