



2024/1158

19.4.2024

COMMISSION IMPLEMENTING DECISION (EU) 2024/1158

of 10 April 2024

on the request for registration, pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council, of the European citizens' initiative entitled 'My Voice, My Choice: For Safe And Accessible Abortion'

(notified under document C(2024)2353)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative ⁽¹⁾, and in particular Article 6(2) and (3) thereof,

Whereas:

- (1) A request for registration of a European citizens' initiative entitled 'My Voice, My Choice: For Safe And Accessible Abortion' was submitted to the Commission on 23 February 2024.
- (2) The aim of the initiative as expressed by the organisers is to call on the Commission to 'in the spirit of solidarity - submit a proposal for financial support to Member States that would be able to perform safe termination of pregnancies for anyone in Europe who still lacks access to safe and legal abortion.'
- (3) An annex to the initiative provides further details on the subject matter, objectives and background to the initiative. The annex explains that 'the lack of access to abortion as basic women's healthcare in many parts of Europe not only puts women at risk of physical harm but also puts undue economic and mental stress on women, often in marginalised communities that can afford it the least.' Reference is made to consensus among scientific and international bodies that 'treating reproductive care as a luxury does not reduce abortions, it simply leads women to seek unsafe abortions.' The annex also specifies that the proposed financial support 'could take the form of an opt-in mechanism open to Member States on a voluntary basis'.
- (4) An additional document providing an analysis of the proposed actions has also been submitted by the group of organisers as part of their registration request.
- (5) The annex and the additional document refer to the EU4Health Programme established by Regulation (EU) 2021/522 of the European Parliament and of the Council ⁽²⁾ which was adopted based on Article 168(5) TFEU. Article 4(g) of Regulation (EU) 2021/522 lists as a specific objective: 'enhancing access to quality, patient-centred, outcome-based healthcare and related care services, with the aim of achieving universal health coverage'. In the list of actions eligible for funding, point 7(c) of Annex I of that Regulation provides for: '[s]upporting Member States' actions to promote access to sexual and reproductive healthcare and supporting integrated and intersectional approaches to prevention, diagnosis, treatment and care'.

⁽¹⁾ OJ L 130, 17.5.2019, p. 55, ELI: <http://data.europa.eu/eli/reg/2019/788/oj>

⁽²⁾ Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-2027, and repealing Regulation (EU) No 282/2014 (OJ L 107, 26.3.2021, p.1, ELI: <http://data.europa.eu/eli/reg/2021/522/oj>).

- (6) Against this background, the funding of actions promoting access to sexual and reproductive healthcare in general, would not require the adoption of a new legislative proposal, as this could be done in an annual work programme under the EU4Health Programme.
- (7) Insofar as the initiative aims to call for a Commission proposal for a legal act of the Union going beyond what is currently possible under the EU4Health Programme, financial support for Member State action promoting health could fall under the Union supportive competence pursuant to Article 168(5) TFEU. However, any such support would need to comply with the limitations in Article 168(7) TFEU, insofar as Union action must respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care, which includes the management of health services and medical care and the allocation of the resources assigned to them. A financial support mechanism cannot have as its aim or effect the undermining of the public order legislation of the Member States or more generally of the healthcare and ethical choices made by Member States in exercise of their competence in health matters.
- (8) The annex to the initiative specifically states that the initiative 'does not aim to harmonise or interfere with the laws and regulations of the Member States' on abortion. Therefore, there seems to be no straightforward targeted interference with the competences of Member States to define their own health policy and the organisation of their health services by the simple fact of providing financial support to provide this type of health service, but the concrete set-up of a financial support mechanism could nonetheless result in such interference.
- (9) Therefore, the Commission considers that the initiative can be registered insofar as it aims for a legislative proposal for financial support to Member States that is not already covered by the EU4Health Programme, and insofar as the proposed financial support mechanism does not have as its aim or effect the undermining of the public order legislation of the Member States or more generally of the healthcare and ethical choices made by Member States in exercise of their competence in health matters.
- (10) On the basis of these clarifications, the Commission considers that none of the parts of the initiative manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.
- (11) That conclusion does not affect the assessment of whether the concrete substantive conditions required for the Commission to act, including compliance with the principles of proportionality and subsidiarity and compatibility with fundamental rights, would be met in this case.
- (12) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with Article 5(3), first subparagraph, of that Regulation.
- (13) The initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union or to the rights enshrined in the Charter of Fundamental Rights of the European Union.
- (14) The initiative entitled 'My Voice, My Choice: For Safe And Accessible Abortion' should therefore be registered.
- (15) The conclusion that the conditions for registration under Article 6(3) of Regulation (EU) 2019/788 are fulfilled does not imply that the Commission in any way confirms the factual correctness of the content of the initiative, which is the sole responsibility of the group of organisers of the initiative. The content of the initiative only expresses the views of the group of organisers, and can in no way be taken to reflect the views of the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The European citizens' initiative entitled 'My Voice, My Choice: For Safe And Accessible Abortion' shall be registered.

Article 2

This Decision is addressed to the group of organisers of the citizens' initiative entitled 'My Voice, My Choice: For Safe And Accessible Abortion', represented by Nika KOVÁČ and Alice Hélène Sibylle COFFIN acting as contact persons.

Done at Brussels, 10 April 2024.

For the Commission
Věra JOUROVÁ
Vice-President
