



Council of the
European Union

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LIMITE

PE-QE 129

REPLY TO PARLIAMENTARY QUESTION

From: Working Party on General Affairs
To: Permanent Representatives Committee/Council
Subject: DRAFT REPLY TO QUESTION FOR WRITTEN ANSWER
E-002301/2022 - Nathalie Colin-Oesterlé (PPE)
'Inclusion of the right to abortion in the Charter of Fundamental Rights'

1. Delegations will find attached:
 - the text of the above question for written answer;
 - a draft reply prepared by the Working Party on General Affairs at its meeting on 29 November 2022.
2. This draft reply is submitted to the Permanent Representatives Committee (Part 1) and to the Council for approval.

Question for written answer E-002301/2022
to the Council
Rule 138
Nathalie Colin-Oesterlé (PPE)

Subject: Inclusion of the right to abortion in the Charter of Fundamental Rights

During his speech to Parliament on 19 January 2022, the President of the French Republic, Emmanuel Macron, announced that he would like to see the right to abortion included in the Charter of Fundamental Rights. However some obstacles stand in the way of this. As there is no common position on abortion at EU level, it is unlikely that the unanimity needed for any revision of the Charter could be found.

Moreover, there is no uniform definition of the right to abortion in the European Union. While in some Member States abortion is only circumscribed by time limits, in others this right can only be exercised under certain circumstances, such as when pregnancy is the result of rape or incest, for example.

1. How does the Council Presidency plan to achieve the unanimity needed in order to revise the Charter of Fundamental Rights while at the same time adopting an ambitious definition?
2. Are opt-out clauses being envisaged for Member States that do not want to be tied by this new provision?
3. Will the wording of the article guaranteeing the right to abortion enable abortion to be performed solely under conditions determined by the Member States, or will it grant an unqualified right to abortion?

EN
E-002301/2022
Reply

The Council has not discussed the specific questions that are raised by the Honourable Member. Any discussion regarding abortion and its potential inclusion in the Charter of Fundamental Rights will pay special attention to all the pertinent political and legal elements.
