

Policy Note: “My Voice My Choice” ECI – A Violation of the Principle of Subsidiarity

Subject: Legal and institutional concerns regarding the European Citizens’ Initiative “My Voice My Choice” and the European Union’s competences.

Date: Nov 2025

I. Background

The European Citizens’ Initiative (ECI) “My Voice My Choice” calls for the creation of an EU-level **funding mechanism for abortion**, intended to finance access to abortion for women in the EU.

Such a proposal would, for instance, allow a woman living in France—where abortion is legally limited after 14 weeks—to receive **EU financial support to travel to another Member State**, such as the Netherlands, to undergo an abortion until the 24th week of pregnancy.

The initiative **raises serious legal and institutional concerns**, particularly with regard to the **principle of subsidiarity** enshrined in **Article 5(3) of the Treaty on European Union (TEU)**.

II. The EU’s Limited Competence in Health and Family Policy

Under the **Treaty on the Functioning of the European Union (TFEU)**:

- **Article 6 TFEU** defines the EU’s role in health and family matters as *supporting, coordinating, or supplementing* national action.
- **Article 168(7) TFEU** explicitly states that *“the organization and delivery of health services and medical care shall remain the responsibility of the Member States.”*

➡ Therefore, **abortion policy remains an exclusive national competence**. The European Union cannot legislate, finance, or create mechanisms that would override or circumvent national health laws and ethical frameworks.

III. Breach of the Principle of Subsidiarity

The proposal to create an EU abortion fund **directly violates the subsidiarity principle** by transferring powers reserved for national governments to the EU level.

1. Bypassing National Abortion Laws

The initiative would enable citizens to circumvent democratically adopted abortion limits within their own Member State through EU-funded procedures abroad.

→ This constitutes **an interference in national legal systems** and erodes national sovereignty over sensitive moral and bioethical questions.

2. Indirect Harmonization of Bioethical Policy

Creating an EU-level mechanism to finance abortions amounts to **de facto harmonization** in a field where Member States retain full autonomy.

→ Such harmonization is **prohibited** under the Treaties and contradicts **Article 5(3) TEU**.

3. Misuse of EU Budgetary Powers

The use of European taxpayers' money to fund abortion would constitute a **misuse of EU financial instruments** in an area beyond Union competence.

→ EU budgetary authority cannot be employed to promote or facilitate morally divisive procedures that fall under Member States' exclusive jurisdiction.

4. Distortion of the Charter of Fundamental Rights

The initiative reinterprets **Article 33 of the Charter**—which protects maternity and family life—to justify funding abortion.

→ This represents a **top-down ideological reinterpretation** of social rights, replacing national discretion with a centralized EU reading of ethics and family policy.

5. Undermining Democratic Pluralism

Many Member States have established national compromises on abortion that reflect their democratic, cultural, and moral traditions.

→ The MVMC initiative **disrespects this pluralism** by imposing a one-size-fits-all EU approach, contrary to the diversity protected by the subsidiarity principle.

IV. Legal and Ethical Inconsistencies

- **Contradiction with the EU's Disability Rights Commitments**

EU funding for abortions carried out following a prenatal diagnosis of disability would be in direct conflict with the Union's obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD) and with Articles 2, 21, and 26 of the EU Charter of Fundamental Rights.

Such funding would create *indirect discrimination* on the basis of disability, suggesting that the life of a child diagnosed with a disability is less worthy of protection. This approach also contradicts the objectives of the **EU Disability Rights Strategy 2021–2030**, which commits the Union to combat discrimination and promote the full inclusion and dignity of persons with disabilities.

- **Practical Implication and Illustration**

In practice, this inconsistency becomes even clearer in cross-border situations. Imagine a woman who seeks to terminate a pregnancy solely because her baby has been diagnosed with a disability. If her own Member State does not consider that disability as a valid ground for abortion because it is *not a fatal or life-threatening condition*, she could travel to another Member State where broader grounds are permitted. Under the proposed scheme, she could then ask the EU to *finance* that abortion service.

This would effectively turn the EU into a funding mechanism for disability-selective abortions—precisely the type of discriminatory practice that international disability rights law seeks to prevent.

- **Institutional Incoherence:**

The European Commission would be simultaneously funding the termination of unborn children diagnosed with disabilities while promoting inclusion and equality for persons with disabilities.

→ Such inconsistency would **damage the legal credibility of EU policy** and expose the Commission to legal challenges before the Court of Justice of the EU.

V. Policy Implications

If adopted, the MVMC proposal would:

- Set a **dangerous precedent of EU interference** in moral, ethical, and family matters reserved to national sovereignty.
- **Erode the subsidiarity balance** that safeguards democratic legitimacy within the Union.
- **Politicize EU funding instruments**, transforming them into ideological tools rather than instruments of solidarity and social cohesion.

VI. Recommendations for MEPs

Members of the European Parliament are invited to:

1. **Reaffirm the principle of subsidiarity** and reject any EU initiative that infringes upon Member States' exclusive competences in health, family, and bioethics.
2. **Oppose the creation of an EU abortion fund**, as it exceeds the Union's legal powers under Articles 6 and 168 TFEU.
3. **Call on the European Commission** to respect national sovereignty and to **redirect EU funding** toward measures that:
 - Support maternity protection and family stability;
 - Assist vulnerable women and families facing crisis pregnancies;
 - Promote genuine equality and inclusion in line with the EU Charter and the CRPD.

VII. Conclusion

The *"My Voice My Choice"* ECI represents a **clear breach of the subsidiarity principle** and of the Treaties' division of competences.

By attempting to centralize a deeply moral and national matter at EU level, the initiative undermines the Union's legal foundations and democratic legitimacy.

Respect for subsidiarity is not merely a procedural issue—it is essential to the protection of national sovereignty, cultural diversity, and authentic democracy within the European Union.