



*Commission of the Bishops' Conferences
of the European Union*

David Maria SASSOLI
President of the European Parliament
PHS 09B011
B- 1047 Brussels

Brussels, 22 February 2021

Dear President Sassoli,

We write to you with regard to the European Parliament Resolution of 26 November 2020 on the right to abortion in Poland. The Commission of the Bishops' Conferences of the European Union (COMECE) has taken note with concern of some of the arguments and points in this Resolution.

We would like to take this opportunity to emphasize once again that the Catholic Church, which seeks to support women in life situations arising from difficult or unwanted pregnancies, calls for the protection and care of all unborn life. Every human person is called into being by God and needs protection, particularly when he or she is most vulnerable. Special safeguard and care for the child, before and after birth, is also expressed in international legal standards, for instance in the United Nations' Convention on the Rights of the Child. All necessary support must be provided to women in difficult life situations of unwanted or difficult pregnancies.

From a legal perspective we wish to underline that neither European Union legislation nor the European Convention on Human Rights provide for a right to abortion. This matter is left up to the legal systems of the Member States.

A fundamental principle of the European Union is the principle of conferral, under which the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein (Article 5.2 of the Treaty of the European Union). Strict observance of this principle is, in turn, a requirement of the rule of law, one of the fundamental values of the Union, enshrined in Article 2 of the Treaty of the European Union. As the Parliament's Resolution rightly stresses, respect for the rule of law is essential for the functioning of the Union. That being said, the rule of law also requires respect for the competences of the Member States and the choices made by them in the exercise of their exclusive competences.

COMECE is also alarmed about the fact that the Resolution seems to question the fundamental right to conscientious objection, which is an emanation of freedom of conscience (Article 10.1 of the Charter of Fundamental Rights of the European Union). This is particularly worrying considering that in the healthcare sector conscientious objectors are in many cases subject to discrimination. In our view, such unjust stigmatization should not be promoted.

It is necessary to consider fundamental rights -like freedom of thought, conscience and religion- in the light of their universality, inviolability, inalienability, indivisibility and interdependence. In regard to the right to conscientious objection, the European Union Charter entails the need to respect national constitutional traditions and the development of national legislation on the issue.

The Resolution of the European Parliament refers in several passages to the right to equal treatment and non-discrimination. In full respect of these legal provisions, we are concerned that the principle of non-discrimination could be used to stretch or blur the limits of the competences of the European Union. This would also go against Article 51. 2 of the Charter of the European Union, which clearly states that the Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union.

We also noted with sadness that no condemnation or solidarity was expressed in the text with regard to the unacceptable attacks on Churches and places of worship in the context of protests related to this law in Poland.

Dear President Sassoli, we remain at your disposal for any clarification that might be needed on this issue, which we consider crucial, aware as we are that the Resolution will have a very negative impact on the way the Union is perceived by Member States.

Yours sincerely,

The Standing Committee of COMECE,

H.Em. Card. Jean-Claude Hollerich SJ
*Archbishop of Luxembourg
President*

H.E. Msgr. Mariano Crociata
*Bishop of Latina, Italy
First Vice-President*

H.E. Msgr. Franz Josef Overbeck
*Bishop of Essen, Germany
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H.E. Msgr. Noel Treanor
*Bishop of Down and Connor, Ireland
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*Bishop of Hradec Králové, Czech Rep.
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