

**Question for written answer E-003710/2014  
to the Commission**  
Rule 117  
**Elena Băsescu (PPE)**

Subject: Maternity leave for women who use surrogate mothers

Press release No 36/14 from the Court of Justice of the EU points out that EU law does not require that a mother who has had a baby through a surrogacy agreement should be entitled to maternity leave or its equivalent.

Moreover, as regards Directive 92/85/EEC on pregnant workers, the Court points out that the objective of that directive is to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or who are breastfeeding, such workers being considered a specific risk group.

The Court also notes that the provision relating to maternity leave in that directive expressly refers to confinement, and its purpose is to protect the mother in the especially vulnerable situation arising from her pregnancy.

What is the Commission's position in the light of this decision and its practical implications? Is the Commission intending to draw up a fresh proposal to amend Directive 92/85/EEC?