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Answer given by Mr Reynders
on behalf of the European Commission
(30.9.2022)

The Commission fully recognises every person’s fundamental right of access to high-quality healthcare. All women across the EU should have adequate access to good quality health care and treatment.

Healthcare, including sexual and reproductive healthcare, is a Member State responsibility. The Commission stands ready to support Member States’ needs and actions in this area. The Commission recalls that when making use of their competences, Member States must respect fundamental rights as they are binding on them by virtue of their membership in the EU and national constitutions as well as their commitments under international law.

Concerning the use of Passenger Name Records (PNR), Article 4 of the EU-United States (US) PNR Agreement limits the processing of PNR data for the purposes of detecting, preventing, investigating, and prosecuting terrorist offences and related crimes and other crimes that are punishable by a sentence of three years or more and that are transnational in nature. Furthermore, PNR data are per se unlikely to contain relevant information and under Article 6 there is an obligation to mask out any sensitive data, including health data. Possible domestic sharing with State authorities requires a careful assessment of a number of safeguards, including ensuring consistency with the purposes of Article 4.

EU law does not regulate the criminalisation of abortion. As far as a future EU-US agreement on cross-border access to electronic evidence is concerned, the negotiations will only restart once the negotiations on the internal e-evidence rules are more advanced. It is therefore too early to give an indication as to the specific safeguards the future EU-US agreement may contain.