

## Additional Response to the EACEA Review Report and Review Letter

*Project: ERASMUS+ 101134732 — WHGD*

World Youth Alliance Europe (WYAE) submits this targeted response to the Specific Issues Review of Women’s Health Goes Digital (Project 101134732), limited to the assessment of compliance with Article 14 of the Grant Agreement in relation to surrogacy.

Following our overall response to the review submitted on 2 December 2025, we have identified further elements of the Review that give rise to particularly serious concerns regarding its legal reasoning and compliance with EU law.

The Review states that “deviations from Article 14” arise because certain activities “systematically omit certain topics or present them in a negative way (for example, in relation to … abortion and surrogacy).” This reasoning implies that, in order to comply with EU values and ethical standards, a beneficiary organization must refrain from critical positions and, in effect, adopt a neutral or positive framing of surrogacy.

WYAE cannot accept this interpretation.

First, surrogacy cannot in any way be interpreted as an EU value within the meaning of Article 2 TEU. The Treaties contain no recognition of a right to surrogacy, nor do they establish any obligation for civil society organizations to endorse or promote it. On the contrary, the European Parliamentary Research Service briefing on the legal situation of surrogacy in the EU, lists regulations from Member States that explicitly prohibit surrogacy (including Bulgaria, Croatia, France, Germany, Italy, Lithuania, Malta, Slovenia, Spain) as well as those where surrogacy is implicitly prohibited through national rules governing assisted reproduction (Austria, Estonia, Finland, Hungary, Sweden). As of the publication of this report, legislation permitting only altruistic surrogacy is in force only in Greece and Cyprus. This legal landscape reflects persistent and widely shared concerns relating to human dignity, the exploitation of women, and the commodification of children, and confirms that surrogacy remains firmly within Member State competence.

In these circumstances, it is legally untenable to suggest that respect for “EU values” under Article 14 of the Grant Agreement requires favourable, neutral, or non-critical treatment of a practice that is unlawful in the majority of Member States. Political interpretations by EACEA or the positions of external experts cannot transform a practice that is explicitly or implicitly banned across the vast majority of the Union into an “EU value” within the meaning of Article 2 TEU.

More fundamentally, such an interpretation conflicts with the constitutional structure of the European Union, which is founded on subsidiarity and respect for national legal orders. The

Union cannot demand, as a condition of EU funding, that civil society organizations adopt favourable or non-critical speech concerning practices that are prohibited under the domestic law of many Member States. Any such demand would exceed the scope of Article 14 of the Grant Agreement and place beneficiaries in an untenable position vis-à-vis national law and fundamental freedoms protected by the Charter, including freedom of expression and freedom of association.

For these reasons, WYAE considers the Review's reasoning on surrogacy not merely incorrect or debatable, but contrary to EU law. By treating the absence of favourable or neutral treatment of surrogacy as a deviation from Article 14 of the Grant Agreement, the Review effectively requires civil society organizations to legitimize, and in practice to promote, a practice that is illegal in the majority of EU Member States.

This is not a matter of interpretative disagreement. The European Union cannot lawfully condition access to EU funding on the promotion, endorsement, or suppression of criticism of practices that are prohibited under binding national law. Any such requirement exceeds the competence of the Union, violates the principle of subsidiarity, and places beneficiaries under pressure to align their public speech with positions that conflict directly with the legal orders of Member States.

WYAE therefore considers that this aspect of the Review crosses a clear legal boundary. Conditioning compliance with "EU values" on the positive or non-critical treatment of surrogacy amounts to requiring organizations to legitimise an unlawful practice and is incompatible with Article 2 TEU, Article 14 of the Grant Agreement, and the fundamental freedoms guaranteed by the Charter, including freedom of expression and freedom of association.

In light of the foregoing, WYAE considers that the Review is vitiated by a fundamental legal error and cannot be upheld. A compliance assessment that conditions respect for EU values on the promotion or neutralisation of criticism of a practice that is illegal in the majority of Member States must therefore be withdrawn and cannot lawfully produce effects under the Grant Agreement.

WYAE remains fully committed to respecting EU values, fundamental rights, and the rule of law. That commitment cannot, however, be construed as an obligation to promote or legitimize practices that are illegal in most EU Member States and that remain the subject of profound constitutional and ethical disagreement across Europe.

Sincerely,

World Youth Alliance Europe team