

Information about the follow up brought to the complaints registered under reference CHAP(2013)01917 - Absence of measures to prevent abusive use of successive fixed-term contracts in the Spanish public sector.

Current situation

As pointed out in a previous communication,¹ on 7 July 2021, Royal Decree-Law 14/2021 of 6 July on urgent measures to reduce temporary employment in the public sector² was published. That Royal Decree-Law included the amendment of the consolidated text of the Law on the Basic Public Employees Statute, approved by Royal Legislative Decree 5/2015 of 30 October.³

The regulation included in the Royal Decree-Law was in turn modified by Law 20/2021 of 28 December 2021.⁴

Moreover, amendments on the applicable rules for public employees working in some specific sectors were only recently approved.⁵

The Commission is analysing the introduced amendments and the resulting national legislation in order to assess the conformity of the law currently applicable to fixed-term employees in the Spanish public sector with Council Directive 1999/70/EC⁶ and the relevant case law of the Court of Justice.

Complainants will be kept informed through this website⁷ of the results of the Commission's investigation.

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https://ec.europa.eu/info/sites/default/files/live_work_travel_in_the_eu/reply_pm_es_public_sector_ftwd_20210729_en.pdf

² BOE n. 161, of 07/07/2021, BOE-A-2021-11233.

³ BOE n. 261, of 31/10/2015, BOE-A-2015-11719.

⁴ BOE n. 312, of 29/12/2021, BOE-A-2021-21651.

⁵ See, for instance, Royal Decree-Law 12/2022 of 5 July 2022 which amends Law 55/2003 regarding the Framework Statute applicable to the staff of the public health service. BOE n. 161, of 06/07/2022, BOE-A-2022-11132.

⁶ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p. 43–48).

⁷ https://ec.europa.eu/info/how-make-complaint-eu-level/joining-similar-complaints/decisions-multiple-complaints_en