

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

Current status

As stated in the previous communication, ⁽¹⁾ the Court of Justice of the European Union had received several requests for preliminary ruling from Spanish courts ⁽²⁾ referring to a potential incompatibility of the Spanish legislation with Clause 5 of the Framework Agreement on fixed-term work annexed to Directive 1999/70/EC ⁽³⁾ and, more particularly, to the measures to prevent and penalise abuse arising from the use of successive fixed-term employment in the Spanish public sector.

The Court's answers to the questions raised by the national referring courts confirmed the Commission's position in the open infringement procedure against Spain regarding the transposition of the same provision [[INFR\(2014\)4334](#)], and called into question the measures to penalise abuse arising from the use of successive fixed-term employment in the Spanish public sector.

Taking into consideration that the national legal framework has changed since the letter of formal notice was sent to Spain in the framework of the abovementioned infringement procedure, ⁽⁴⁾ an additional letter of formal notice was required to update and clarify its scope. That letter was sent on 3rd October 2024. You can find more information here:

[October infringements package: key decisions \(europa.eu\)](#) (Chapter 10. Jobs and social rights).

Complainants will be kept informed through this website ⁽⁵⁾ of any new steps that the Commission decides to take in the framework of the infringement procedure.

⁽¹⁾ https://commission.europa.eu/document/download/ebb7355f-7d8e-4f83-abf2-73e85f24fb0a_en?filename=update%20MC%2020230615%20EN.pdf

⁽²⁾ See cases C-59/22, *Consejería de Presidencia*; C-110/22, *UNED*; C-159/22, *Agencia Madrileña de Atención Social de la Comunidad de Madrid*; C-331/22, *DG de la Función Pública, Generalitat de Catalunya*; and C-332/22, *Generalitat de Catalunya*.

⁽³⁾ 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).

⁽⁴⁾ See, particularly, Law 20/2021 of 28 December 2021 which included amendments of the Basic Statute for Public Employees, approved by Royal Legislative Decree 5/2015 of 30 October 2015.

⁽⁵⁾ https://commission.europa.eu/about-european-commission/contact/problems-and-complaints/complaints-about-breaches-eu-law-member-states/how-make-complaint-eu-level/decisions-and-other-notice-multiple-complaints_es