

Information about the follow up brought to the complaints registered under reference CPLT(2013)01917⁽¹⁾ - Absence of measures to prevent abusive use of successive fixed-term contracts in the Spanish public sector.

Current status

As stated in previous communications⁽²⁾, Royal Decree-Law 14/2021 of 6 July on urgent measures to reduce temporary employment in the public sector was published on 7 July 2021.⁽³⁾ That Royal Decree-Law included the amendment of the Basic Statute for Public Employees, approved by Royal Legislative Decree 5/2015 of 30 October 2015.⁽⁴⁾ The legislation contained in the Royal Decree-Law was in turn modified by Law 20/2021 of 28 December 2021.⁽⁵⁾ Moreover, amendments on the applicable rules for public employees working in some specific sectors were subsequently approved.⁽⁶⁾

In the meantime, the Court of Justice of the European Union has received several requests for preliminary ruling from Spanish courts⁽⁷⁾ referring to a potential incompatibility of the amended national legislation with Clause 5 of the Framework Agreement on fixed-term work annexed to Council Directive 1999/70/EC⁽⁸⁾ 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.

Since the Court's answers to the questions raised by the national referring courts may be relevant in the course of the analysis of the issues investigated under the open infringement procedure against Spain regarding the transposition of the same provision [INFR(2014)4334], the Commission has decided to postpone any further action in the context of that procedure until after the relevant judgments are published.

Complainants will be kept informed through this website⁽⁹⁾ of the next steps that the Commission, in the light of those judgments, decides to take in the framework of the abovementioned infringement procedure.

¹ Please note that the prefix of the multiple complaint reference has been changed from CHAP to CPLT due to changes in our internal complaint registration system.

⁽²⁾ https://commission.europa.eu/system/files/2022-08/update_mc_20220719_en.pdf

⁽³⁾ BOE No 161 of 07/07/2021, BOE-A-2021-11233.

⁽⁴⁾ BOE No 261 of 31/10/2015, BOE-A-2015-11719.

⁽⁵⁾ BOE No 312 of 29/12/2021, BOE-A-2021-21651.

⁽⁶⁾ See, for instance, Royal Decree-Law 12/2022 of 5 July 2022 amending Law 55/2003 on the framework regulations applicable to staff in the public health service. BOE No 161 of 06/07/2022, BOE-A-2022-11132.

⁽⁷⁾ 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*.

⁽⁸⁾ 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).

⁽⁹⁾ 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