

Letter from the European Ombudsman to the European Commission on its failure to take action against Spain for its abuse of fixed-term contracts in the Spanish public sector

Correspondence - 06/07/2022

Case 349/2022/PL - Opened on 14/03/2022 - Decision on 06/07/2022 - Institution concerned European Commission (No further inquiries justified) |

Dear Mr X,

Thank you for having informed us that, following our request, the European Commission has now replied to the complainant in the above case.

The aspect of the complaint concerning the Commission's failure to reply is, therefore, closed with the conclusion that it has been settled.

As regards the substance of the complaint, we have concluded that there are **no further inquiries justified** and have decided to close the case. Attached to this letter you will find a copy of the decision sent to the complainant. I also enclose a translation of this decision into English.

This said, we note that, on the Commission's dedicated webpage for procedures involving multiple complaints, the most recent information on the ongoing infringement complaint CHAP(2013)01917 dates from August 2021. As there have been developments on this matter since that date, we would encourage the Commission to update the information publicly available. The Commission should bear in mind the importance of keeping those concerned up to date when infringement complaints have been open for a long time, particularly in cases involving multiple complaints with a wider public interest.

The complaint also raised the question of how milestones under the Recovery and Resilience Facility (RRF) are assessed. The complainant questioned whether Spain had satisfactorily reached its milestone on passing of legislation to reduce temporary employment in the public administration. He argued that the legislation in question is not compatible with EU law.

In its reply, the Commission confirmed that, even though a country is deemed to have reached a milestone, the Commission may continue investigating complaints received pointing to a



related possible breach of EU law and is doing that in relation to the Spanish legislation at issue in this case.

In the meantime, the Commission has also replied to the Ombudsman's letter [1] on the transparency and accountability of the Recovery and Resilience Facility. We use this opportunity to remind the Commission of the importance of allowing for public scrutiny of the evaluation of the Member States' milestones and targets under the RRF, given the important public interests at stake. This case has shown that the Commission could be clearer in the future on how it reaches a positive assessment of a milestone, when communicating with members of the public. This is likely to take on increasing importance in the months ahead.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 06/07/2022

[1] Letter from the European Ombudsman to the Commission in SI/6/2021/PL on the transparency and accountability of the Recovery and Resilience Facility, available at: <https://www.ombudsman.europa.eu/en/opening-summary/en/148742> [Link]