

*(English version)*

**Question for written answer E-001206/25  
to the Commission  
Dolors Montserrat (PPE)  
(20 March 2025)**

*Subject:* Public procurement irregularities in Spain and favourable treatment

The judge investigating David Sánchez Pérez-Castejón, the brother of the Spanish Prime Minister, is looking into the possible creation of an ad hoc post for him by the public administration.

Articles 9 and 10 of the EU Treaty and Article 61 of the EU Financial Regulation lay down the principles of equality, impartiality and prevention of conflicts of interest. What is more, Article 298 TFEU governs the principle of good administration in the civil service.

In view of the above:

1. Does the Commission take the view that directly benefiting the Prime Minister's brother is a violation of the principle of administrative impartiality?
2. What steps will the Commission take to ensure that the Spanish Government upholds the principle of equal access to public employment, in compliance with Article 45 of the Charter of Fundamental Rights of the European Union and Article 4 of Directive 2000/78/EC, which prohibits favourable treatment in public procurement?
3. Will the Commission ask the government for information so that it can determine whether Spanish legislation complies with European standards of impartiality in access to public employment or whether there has been a breach of the principle of transparency in the management of human resources in the administration?

Submitted: 20.3.2025

**Answer given by Mr McGrath on behalf of the European Commission  
(17 June 2025)**

Directive 2000/78/EC <sup>(1)</sup> aims to combat discrimination based on religion or belief, disability, age or sexual orientation in the context of employment and occupation.

Article 61 of the EU Financial Regulation <sup>(2)</sup> concerns persons involved in EU budget implementation. As the situation described by the Honourable Member does not seem to concern issues of discrimination or the implementation of the EU budget, Directive 2000/78/EC and Article 61 of the EU Financial Regulation have no relevance in this context.

The Commission is not competent to intervene in individual cases, if they do not concern a possible breach of EU law. Employment matters unrelated to rules of EU law fall within the remit of the national authorities and courts.

In addition, outside the implementation of EU law, it is for Member States to ensure compliance with fundamental rights in accordance with their constitutional order and their obligations under international law.

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<sup>(1)</sup> OJ L 303, 2.12.2000, p. 16-22.

<sup>(2)</sup> OJ L, 2024/2509, 26.9.2024.