

(English version)

**Question for written answer E-003073/25
to the Commission
Dolors Montserrat (PPE)
(24 July 2025)**

Subject: New Spanish civil service hiring system's potential infringement of EU law

In light of the Spanish Government's recent proposals to reform the hiring system for higher civil service bodies (groups A1 and A2), replacing the competition system with a two-year postgraduate course and a final exam, and then allocating positions according to the grade obtained, I ask the Commission the following:

1. Does the Commission believe that this new system respects the fundamental principles of EU law such as equality of access to public employment, transparency, objectivity and impartiality in selection processes in accordance with Article 15.1 of the Charter of Fundamental Rights of the European Union?
2. Could this system facilitate favouritism and nepotism given that there is no guaranteed anonymous assessment based solely on merit and ability, in potential contradiction with Directive 2000/78/EC and the principles of good administration recognised in Article 41 of the Charter?
3. In the Commission's view, could a hiring system for the civil service based on an internal course that has neither been academically standardised nor recognised as a formal professional qualification hinder the mutual recognition of qualifications as stipulated in Directive 2005/36/EC and make the mobility of qualified professionals between Member States more difficult?

Submitted: 24.7.2025

**Answer given by Executive Vice-President Minzatu on behalf of the European Commission
(2 October 2025)**

According to Article 51(1) of the Charter of Fundamental Rights of the EU, the Charter applies to Member States only when they are implementing EU law.

Moreover, Article 6(1) of the Treaty of the European Union states that, '*[t]he provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties*'.

From the information provided by the Honourable Member, it does not appear that the matter referred to is related to the implementation of EU law.

Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation⁽¹⁾ covers discrimination based on one of the following grounds: religion or belief, disability, age or sexual orientation.

Based on the limited information concerning the envisaged reform, it does not appear that it would concern matters covered by Directive 2000/78/EC.

Based on the limited information, the Commission cannot assess either whether the specific civil service jobs would qualify as regulated professions within the meaning of Article 3(1)(a) of Directive 2005/36/EC⁽²⁾, i.e. whether the access to or pursuit of these occupations depends on the possession of specific professional qualifications obtained via the two-year postgraduate course and exam⁽³⁾.

To determine whether the directive applies (or whether Article 45 of the Treaty on the Functioning of the European Union could apply regarding potential restrictions of free movement of workers from other Member States), a thorough legal analysis of the planned reform would be required.

⁽¹⁾ <https://eur-lex.europa.eu/eli/dir/2000/78/oj/eng>.

⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02005L0036-20240620>.

⁽³⁾ And, consequently, whether Directive (EU) 2018/958 on a proportionality test before adoption of new regulation of professions (<https://eur-lex.europa.eu/eli/dir/2018/958/oj/eng#:~:text=This%20Directive%20aims%20to%20establish%20rules%20for%20proportionality,transparency%20and%20a%20high%20level%20of%20consumer%20protection.>) would require a proportionality assessment to be carried out before the provisions in question are adopted.