

EN

E-001008/2026

Answer given by Executive Vice-President Minzatu
on behalf of the European Commission
(4.5.2026)

1. In the framework of INFR(2014)4334, the Commission is pursuing the absence of measures to prevent and penalise the abusive use of some types of fixed-term contracts in Spain's public administration, in breach of Directive 1999/70/EC¹. The precise steps to be taken to resolve the breaches of EU law are to be decided by the Member State.

2. In October 2024, the Commission sent to Spain an additional letter of formal notice and is currently assessing the reply and subsequent information provided by Spain. If the Commission considers that the identified grievances are not solved, it could adopt a reasoned opinion and, if Spain continues to not address those issues, the Commission may decide to refer it to the Court of Justice of the European Union.

3. The principles and method used by the Commission to calculate the financial sanctions proposed to the Court can be consulted in its Communication 'Financial sanctions in infringement proceedings'² and subsequent revisions³. Nevertheless, it is for the Court, in the exercise of its discretion, to determine the amounts that it considers appropriate to the circumstances and proportionate both to the breach that has been established and to the capacity to pay of the Member State concerned. The penalty to be paid by the Member State is applicable from the date when the Court delivers its judgment.

¹ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, <http://data.europa.eu/eli/dir/1999/70/oj>.

² Communication from the Commission Financial sanctions in infringement proceedings 2023/C 2/01, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=oj:JOC_2023_002_R_0001.

³ See Communication from the Commission – Modification of the calculation method for financial sanctions proposed by the Commission in infringement proceedings before the Court of Justice of the European Union, <http://data.europa.eu/eli/C/2025/1481/oj>, and Communication from the Commission – Annual update of data used for calculation of financial sanctions proposed by the Commission to the Court of Justice of the European Union in infringement proceedings, <http://data.europa.eu/eli/C/2026/1653/oj>.