

**Question for written answer E-003149/2021
to the Commission**

Rule 138

Jordi Cañas (Renew)

Subject: Infringement procedure by the Commission regarding the improper use of fixed-term contracts following the CJEU judgment of 3 June 2021

On 3 June 2021, in its judgment in case C-726/19 (Instituto Madrileño de Investigación y Desarrollo Rural, Agrario y Alimentario v JN), the CJEU reiterated that the successive use of back-to-back fixed-term contracts to cover permanent needs was contrary to EU rules. It acknowledged that the Spanish legislation did not appear to include any measure aimed at preventing and, where appropriate, penalising the misuse of successive fixed-term contracts. It also suggested that giving interim civil servants the status of 'employees with non-permanent indefinite contracts' could be a suitable measure to penalise (...) and eliminate the consequences of the infringement of the Framework Agreement. A further stipulation is, however, necessary: the creation of a concept of 'employees with non-permanent indefinite contracts' will only be dissuasive precisely if 'permanence' is guaranteed.

In the light of the judgment and the forthcoming finalisation of the reform of the Basic Statute of Public Employees (EBEP):

1. What will the Commission do to speed up infringement procedure 2014/4334 concerning the possible incompatibility of Spanish law with Clause 5 of Directive 1999/70/EC and to take account of the judgment?
2. What will the Commission do to ensure that the reform of the EBEP complies with the judgment?
3. When does the Commission envisage that the infringement procedure will be concluded?