EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX





Case Document No.7

International Movement ATD-Fourth World v. Spain
Complaint No. 241/2024

GOVERNMENT'S REPLY TO THE COMPLAINANT ORGANISATION'S RESPONSE ON IMMEDIATE MEASURES

Registered at the Secretariat on 19 November 2026

MINISTERIO
DE LA PRESIDENCIA, JUSTICIA
Y RELACIONES CON LAS CORTES

ABOGACÍA GENERAL DEL ESTADO

SUBDIRECCIÓN GENERAL
DE ASUNTOS CONSTITUCIONALES
Y DERECHOS HUMANOS

Collective complaint no. 241/2024
International Movement ATD v. Spain

The Spanish Government have been notified of the observations submitted by the INTERNATIONAL MOVEMENT ATD FOURTH WORLD in the context of Collective Complaint No. 241/2024, whereby that organisation comments on the document entitled "Explanatory Note in Reply to the Request for Information", issued by the National Social Security Institute (INSS), which was submitted by the Spanish Government on 27 July 2026.

The Spanish Government reiterate the explanations set out in their previous submissions and reports to the Committee regarding the justification for maintaining a control mechanism in respect of amounts paid under the Minimum Basic Income scheme. That mechanism entails the need to recover sums unduly received where it is established that a beneficiary did not, in fact, satisfy the statutory conditions governing entitlement to the benefit, to the extent corresponding to the amount unduly paid. The Spanish Government also wish to draw the Committee's attention to the efforts undertaken by the public authorities, and to the ongoing work through the adoption of various measures, to minimise the adverse impact of recovery proceedings, as well as to the existence of an effective system of remedies, in particular judicial remedies, enabling the identification of individual situations in which the recovery of the benefit has been irregular and providing redress for the consequences thereof.

Without prejudice to the foregoing, the National Social Security Institute (INSS) is currently preparing an additional report aimed at clarifying certain aspects relating to the handling of proceedings for the recovery of undue benefits. That report will be transmitted to the Committee without delay as soon as it is received by this representation.

It should be emphasised that the Note submitted on 27 July 2026 was not intended to set a comprehensive legal argument on the complainant organisation's request for immediate measures, but rather to provide the specific information requested by the Committee, as communicated to the Spanish Government in its letter of 3 June 2026, informing it that the Committee had decided to request from the Spanish Government "*information on the number of proceedings instituted for undue payments of the minimum subsistence income since 2021" and "any relevant contextual information*".

CORREO ELECTRÓNICO:
aetedh@abogaciaestado.gob.es

C/ MARQUÉS DEL DUERO, 4
28001 MADRID

We reiterate that, as stated in our reply to the complainant organisation's response on the merits, the request for immediate measures submitted by the complainant organisation should not be entertained, since an identical request was made in the initial complaint and was rejected by the Committee in its Decision of 15 May 2025. Moreover, the rules governing the procedure do not provide for a second determination on a request that has already been decided, as a form of review or appeal against that earlier decision.

Irrespective of the foregoing, given the advanced stage currently reached in the collective complaints procedure, with submissions on the merits, the complainant organisation's response on the merits and the Government's reply to the complainant organisation's response on the merits having already been filed, thereby completing the written procedure provided for under the applicable rules, the Spanish Government respectfully submits that an interim ruling by the Committee does not appear justified at this stage.

Madrid, for Strasbourg, 19 November 2026.

THE CO-AGENT OF THE KINGDOM OF SPAIN.



Heide-Elena Nicolás Martínez