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COMITE EUROPEEN DES DROITS SOCIAUX

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Case Document No. 2

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

SUBMISSIONS OF THE GOVERNMENT ON THE MERITS

Registered at the Secretariat on 8 October 2025

TO THE EUROPEAN COMMITTE OF SOCIAL RIGHTS

KINGDOM OF SPAIN'S SUBMISSION ON THE MERITS OF THE CASE

COLLECTIVE COMPLAINT
No. 241/2024

MOUVEMENT INTERNATIONAL ATD QUART MONDE
v.
SPAIN

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On 7 June 2024 the Committee to which we respectfully address notified the Kingdom of Spain of the collective complaint submitted by the organisation “International Movement ATD- Fourth World” registered on 4 June 2024 with reference number 241/2024.

On 15 May 2025 the Committee issued a decision declaring the complaint admissible regarding some of the complaints raised therein—those relating to Articles 13.1, 15.3, 16, 17, 30 and 31 of the revised European Social Charter, autonomously and in connexion with Article E-, and invited the Spanish Government to submit their written observations on the merits.

Accordingly, we hereby submit on behalf of the Kingdom of Spain our observations on the merits of the complaint.

I. DESCRIPTION OF THE COMPLAINT

1. The complainant organisation argues that the social benefit of the Minimum Basic Income (IMV) existing in the Spanish legal system does not comply with the required standards of the Revised European Social Charter and therefore requests the Committee to declare that the regulations as well as the implementation of this social benefit are not in accordance with several articles of the Charter.

2. The Committee has declared admissible the complaints related to the violation of Articles 13.1, 15.3, 16, 17, 30 and 31 of the Charter autonomously and in connexion with Article E. At the same time it has declared inadmissible the remaining complaints raised in the collective complaint. Therefore, the subject matter of the dispute in the present proceedings is defined by the examination of the conformity of the Minimum Basic Income social benefit under the Spanish legal system with those provisions.

3. Most of the complaints raised by the complainant entity refer to aspects related to the regulation of this social benefit, although deficiencies in its administrative management are also reported. Specifically, the complaint focuses on the implementation of the system of reimbursement of unduly received benefits.

4. The State's response to the complaints raised in the collective complaint is essentially set out in the report issued for this purpose on July 2025 by the Ministry of Inclusion, Social security and Migration, which is submitted attached to these observations and to which we will refer along our observations when addressing the specific examination of the various issues raised in connexion with the regulation and implementation of the Minimum Basic Income system issues that constitute the subject matter of the present proceedings.

II. REGULATORY FRAMEWORK

5. The regulatory background of the Minimum Basic Income and the current *in-force* regulatory framework are identified in the collective complaint (Section II).

6. The relevant legislation for these purposes is the Act 19/2021, of December 20, establishing the minimum basic income (onwards, Act 19/2021), that comes from the processing as a bill of Royal Decree-Law 20/2020, of May 29, and replaces it.

7. This rule has been amended several times since it came into force[1]. It is attached hereby a descriptive outline of the various amendments that have affected the text of the Act since its initial approval.

8. It is important to highlight the context in which the benefit was introduced.

Although the introduction of the social benefit addressed a structural need (the need to have a minimum income system with a common denominator for the entire territory in contrast to the disparity and lack of homogeneity of the pre-existing system of regional minimum incomes, with divergent requirements for being entitled, different amounts and different processing times in many cases), a need identified after many years in which national and international entities[2] had called on Spain to implement a guaranteed minimum income at the national level to prevent the dysfunctions observed in regional incomes, the social benefit "was born" in the context of the COVID-19 pandemic, at a time of enormous difficulties for the healthcare system and for the society.

[1] Royal Decree-Law 2/2024, of 21 May.
Royal Decree-Law 1/2023, of 10 January.
Royal Decree-Law 20/2022, of 27 December.

[2] In this regard it is worth noting the existence of recommendations of various international organisations such as European institutions (Country Specific Recommendations (CSR) from the European Council within the frame of European semesters from 2014 to 2020) in the sense of addressing the structural problem of inequality and poverty in Spain, as well as the need to create a robust safety net for last-resort income protection., strengthening and improving the coordination of existing income guarantee programmes

9. Notwithstanding that the introduction of the benefit had been under consideration for some time [3], having been presented numerous proposals from various social actors and being finally submitted in 2016 a bill on the same, it was during the pandemic of the Covid-19 -with enormous difficulties arising from the constraints of the moment- where the Minimum Basic Income came finally into force by the way of the Royal Decree-Law 20/2020[4],of 29 May, by which the minimum basic income is established as a non-contributory Social Security benefit, whose main objective is to prevent the risk of poverty and social exclusion amongst people in situations of economic vulnerability.

Precisely, the approval of the minimum basic income speed up due to the pandemic situation that threatened the most vulnerable households and created considerable administrative challenges.

10. The social benefit aims at two main objectives. On the one hand, it pursues the redistribution of income, focusing on the eradication of extreme poverty; on the other hand, it aims to promote social inclusion and to ease the entrance into the labour market by means of incentives for employment and inclusion, coordinated through cooperation formulas between administrations.

In this sense the IMV guarantees a minimum level of income, with a threshold that increases according to the type of household.

It is also compatible with other incomes such as income from employment or economic activity, whether self-employed or employed others as well as with regional (autonómicos) benefits granted as minimum income.

Therefore, in the preamble of the Act 29/2021 the IMV is classified as a basic (“suelo”) benefit that is compatible with other benefits that the Autonomous Communities, in the exercise of their powers may grant as minimum income, both in terms of coverage and generosity since in the calculation of income – for the purposes of calculating the benefit – the regional benefits granted as minimum income are expressly left out.

11. The IMV complies with the European Pillar of Social Rights, specifically with measure 14 “Minimum income “which provides as follows:

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[3] In June 2019 the Independent Authority for Fiscal Responsibility (AIReF) proposed the design of a minimum income programme that would benefit 1.8 million families and be implemented gradually. The proposal was also included in the National Strategy for the Prevention and Fight against Poverty and Social Exclusion 2019-2023.

> *Everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services. For those who can work, minimum income benefits should be combined with incentives to (re)integrate into the labour market.*

To develop this measure, the Council Recommendation of 30 January 2023 on adequate minimum income ensuring active inclusion was adopted. In relation to this recommendation Spain ranks as one of the most advanced countries in terms of IMV benefit.

12. It is worth highlighting the highly innovative nature of the IMV, including determining the situation not only of applicants or beneficiaries, but of all members of the household, analysing both the assets and income of individuals to determine their economic vulnerability and not granting a fixed amount of aid, but rather the amount received is obtained by covering the difference between the guaranteed income threshold considered necessary to have sufficient income and the income actually obtained by that household unit in the corresponding period.

13. On the other hand, before the approval of the Minimum Basic Income (IMV), the non-contributory state social security benefits, although aimed at people living in poverty, required the applicant to have had some prior connection with the system, either through a contribution history or by having exhausted other contributory benefits. In this sense, the IMV represents a break with that establishing itself as a benefit that does not require such prerequisites, thus expanding access to people in vulnerable situations who had not been able to integrate into the contributory system.

14. In turn, another aspect that highlights the novelty of the social inclusion policy with the creation of this benefit is the fact that the fight against poverty and inequality is not approached solely from a social benefits perspective, where assistance is provided as an income coverage/protection. The very same Article 31 of the aforementioned Act on the Minimum Vital Income states that: *The Ministry of Inclusion, Social Security and immigration will promote through its General Secretariat for Inclusion and Social Welfare Objectives and Policies within the frame of its Powers strategies for the inclusion of the beneficiaries of the minimum living income through cooperation and collaboration with Ministerial Departments, autonomous communities and local authorities, including companies awarded the Social Inclusion Seal, as well as third sector social action organisations.*

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[4] The regulation was ratified by Parliament without any votes against it

15. Also particularly noteworthy is the launch of an Inclusion Policy Laboratory, which has developed numerous pilot projects throughout the territory over the last four years. These projects have been evaluated according to the highest scientific standards and have yielded 10 key public policy lessons for the design of best practices for the social labour inclusion of people at risk of exclusion.

This is, moreover, a unique initiative in the world which has aroused great interest in the European Commission which has regarded it as a success story and a model for the future use of European funds, placing evaluation and evidence generation at the heart of public policies.

Some of the issues raised by the complainants cannot be addressed exclusively through the IMV benefit mechanism and must be complemented by active social inclusion policy measures. For this reason, best practices and the possibility of scaling up these inclusion projects represent a major step forward and address some of the issues raised by the complainant such as labour market inclusion and protection for particularly vulnerable groups such as children and adolescents, families, people with disabilities and people of other nationalities.

III. CONSIDERATIONS ON THE MERITS

- **Prior precision: necessary contextualisation when assessing the management of the benefit: regarding the magnitude and scope of the benefit introduced.**

16. In the collective complaint a reference is made to the "chaotic management and implementation" of the social benefit with "an alarming legal uncertainty" for the benefit recipients. Various aspects relating to the management of this social provision are highlighted, such as "excessive lengthening of benefit processing times" and the abuse in using the "negative administrative silence" (-silencio adminstrativo -negativo-) as well as others aspects such as the" lack of reasoning" of many of the administrative decisions adopted.

17. In the view of the Spanish Government, the Committee should assess complaints regarding the management of the benefit, **considering the exceptional technical and organisational challenge that the implementation of the minimum basic income system has posed in Spain**. This social benefit had to be deployed in record time and under

extraordinary conditions, and the **results obtained** must also be considered, as they have significantly exceeded those obtained by the measures implemented at regional level, even though the latter have been in place for many years.

18. Thus, as highlighted in the attached report to these observations, in the year 2020 before the implementation of the IMV the public social benefits register recorded that in June 2020 there were 200,000 households receiving regional minimum income benefits, according to data from the Report on Minimum Income Benefits in Spain (2022) prepared by the Ministry of Social Rights, Consumer Affairs and 2030 Agenda. The report also pointed out that the total number of beneficiaries of minimum income support in all autonomous communities was 667,413 people, including recipients and dependent members.

That is to say, the IMV has almost three times more beneficiaries than the autonomous minimum incomes.

It should be taken into account that the autonomous minimum income are social benefits that in some cases have been in force for more than 20 years and which have significant differences compared to the configuration of the IMV[5].

Moreover, a rising process in the number of recipients of this social benefit is shown as it can be seen in the attached report where specific data on the evolution of the number of recipients is provided.[6].

The total expenditure on IMV payments since it came into force until September 2025 amounts to € 17,057,062,211.37 (more than 17 billion euros) having made over 20 million bank transfers on time. The last bank transfer approved dated July 2025 for an amount of €1,301 billion (€1,301,000,000).

In June 2025 more than 3.5 million applications had been received cumulatively- Annually, around 350,000 applications for retirement pensions are received.

[5] For example, when comparing some of the IMV requirements with other benefits established by the autonomous communities, we see that the IMV requires a lower minimum age for access to the benefit than others established by the autonomous communities, which is 25 years old in most cases; the IMV is recognised for an indefinite period, as long as the beneficiary's situation of need continues, while other benefits from the autonomous communities establish a maximum duration; the one-year residence requirement is more flexible than in some of the benefits regulated by other autonomous communities.

[6] However, in 2024, the number of households potentially eligible for the IMV in the common fiscal territory rises to 939,303, 1% less than in 2023 (4th Opinion of the Independent Authority for Fiscal Responsibility).

We must therefore insist that all these factors must be taken into account by the Committee when examining the complaints related to the deficiencies in the social benefit's management, since we are not facing a well-established social provision*, in force* for many years, but rather a new system which has been recently implemented with a very large wingspan and scope which has been put in place under exceptional circumstances marked by the COVID-19 pandemic.

19. Lastly, according to the latest data provided by the Ministry of inclusion, Social security and Migration for September 2025 the number of current benefit recipients is 776,924. the gross amount of the benefits granted amounts to € 426,305,510.79 with an average monthly amount per household of €574.74.[7].

➢ **<u>Analysis of the several aspects referred to in the complaint raised by the complainant entity.</u>**

20. The report issued by the Ministry of inclusion, Social security and Migration attached to these observations, addresses a detailed analysis of the most relevant aspects referred to in the complaints raised by the complainant entity, under the following headings, generally following the structure set out in the complaint itself:

21. On the one hand, the report examines complaints regarding inadequate regulation of the service, namely:

- On the alleged insufficiency of the amounts corresponding to the benefit[8]
- On the requirement of legal residence as a condition for access [9]
- On the age restrictions on beneficiaries [10]
- On the discontinuity of the benefit/social provision[11]
- On differences between IMV requirements and other minimum incomes requirements [12]
- On the review and update system[13]
- On the compatibility of the IMV with labour incomes.[14]

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[7] 202509_IMV+-+Nómina.pdf.
The following link provides access to statistical information for the remaining months of 2025 and 2024: https://www.seg-social.es/wps/portal/wss/internet/EstadisticasPresupuestosEstudios/Estadisticas/cbe2fda1-3ac7-4bc8-a5ec-06c178839e11/d1fee385-f3ad-4e58-a129-d8818d93ea4b
[8] Section two pp. 13 to 15.

[9] Section three pp. 15 to 16.
[10] Section four ,pp. 16 to 17
[11] Section five pp.. 17 to 20
[12] Section six, pp. 21 to 22
[13] Section eight, p. 24

- On the transitory Minimum Basic Income [15]
- On the impact on the most vulnerable people [16]

22. On the other hand, complaints relating to a poor management of the system regulated by the implementing regulations are analysed:

- Thus, within section twelve of the report, pages 30 to 37, a response is given to the different questions raised by the complainant entity in relation to what they consider to be poor management of social benefit.

- Likewise in section seven, pages 22 to 24, reference is made to certain aspects related to the processing of procedures and deadlines.

- On the other hand, when examining the management of the social benefit, the intense administrative collaboration that takes place, both within the central administration and at the different territorial levels of the administration, must be considered. In section fifteen of the report, pages 40 to 43 it is explained the various cooperation mechanisms that have been implemented to obtain the information necessary directly and automatically for the recognition—or denial, where appropriate—of the benefit, the result of an extraordinary effort to carry out coordinated action.

23. In relation to the administrative proceedings for reimbursement of undue social security payments, aspect in which special emphasis is placed on the complaint, the report refers to this issue on pages 5 to 10 without prejudice to other complementary references to this question throughout other sections of the report.

24. **We refer essentially to the attached report and to the response given therein in its various sections to the different issues raised in the complaint**, the said Report being considered **an integral part of the State's own observations**.

25. Notwithstanding the foregoing, we would like to make certain additional specific considerations, which are set out below.

– The complainant entity denounces that the discontinuity of the social benefit to families without resources constitutes a violation of Art 13 of the Charter.

[14] Section nine pp. 24 to 30.
[15] Section ten, pp. 28 to 30
[16] Section fourteen, pp.38 to 39

The characteristics of the minimum basic income indicate that it is a benefit whose duration will be extended if the situation of economic vulnerability persists and the requirements that gave rise to the right to receive it remain in place (Art 3 of the Act 29/2021). Therefore, the IMV is configured as a safety net aimed at enabling the transition from a situation of exclusion to one of participation in society. This way, in its design, employment and inclusion incentives are set out. These are articulated different forms of cooperation between administrations.

Therefore, this social benefit is not an indefinite social provision but rather a benefit aimed at granting an improvement of real employment and inclusion opportunities for the recipients of the same.

The foregoing is fully in accordance with the Charter since the Committee has ruled that social assistance must be recognised for as long as the situation of need persists and cannot be subject to time limits.

The generic assertion of the complainant entity as to families would be leaving out of social benefits when there are grounds for suspension or termination of the benefit cannot be attributed —if it does indeed occur – to the wording of the Act on the part of the legislator. In view of the purpose and nature of the benefit, it is indeed necessary that grounds for its suspension or termination are provided for.

- Particularly, <u>in relation to complaints about the system for reviewing and updating IMV amounts</u>, the complainant entity argues that in this type of claim for reimbursements for undue benefits obtained due to an administrative error, the ECtHR has ruled that an administrative decision affects the right recognised in Article 1 of Protocol 1. and the legitimate expectation of peaceful enjoyment of their possessions.

  Without prejudice of agreeing with the above statement on the case law of the ECtHR It should be noted that, to date, no complaint has been lodged with the ECtHR on this matter that has been notified to the Kingdom of Spain.

  Furthermore, under Article 13, the Committee also assesses the existence of the right to appeal. In accordance with its doctrine, unfavourable decisions concerning the granting and maintenance of assistance must be subject to appeal, including decisions to suspend or to reduce assistance benefits. The body hearing the appeal may therefore be an ordinary court or an administrative body, provided that it offers the following guarantees: It must be a body independent of the executive and of the parties; unfavourable decisions concerning the granting and maintenance of assistance must be subject to appeal, including decisions to suspend or reduce assistance benefits; the review body must have the power to judge the case on its merits, not merely on points of law; if necessary, in order to guarantee applicants the effective exercise of their right of appeal, legal aid must be provided.

Regarding the administrative decisions on reimbursement Article 19 of the Act establishes that: *The managing body may at any time correct material or factual errors and arithmetic errors, as well as make revisions based on the discovery of omissions or inaccuracies in the beneficiary's declarations, and claim back any amounts that may have been unduly received for this reason.*

In cases other than those indicated in the preceding paragraphs, the review to the detriment of the beneficiaries shall be carried out in accordance with Article 146 of the Act 36/2011, 10 October regulating the social jurisdiction (procedure labour act).

For that reason, the public administration, except in cases of material or factual errors and arithmetic errors, as well as revisions based on the discovery of omissions or inaccuracies in the beneficiary's declarations, must bring an action before the labour courts so that the competent judicial body in legal proceedings may decide.

Domestic courts, within domestic proceedings where the recipients of the benefit have challenged administrative decisions which obliged them to the reimbursement of amounts received as IMV, have ruled on numerous occasions on favour of the recipients of the benefit, quashing the administrative decisions [17].

- The complainant entity argues that the current *in force* regulations as stated out in article 36 of the Act and Royal Decree 789/2022 and specifically in its Annex 3 promotes the labour inclusion of IMV recipients in the most precarious jobs, whether temporary or low-income, with no guarantee of future income. This would entail a breach of Article 1 of the Charter (the right of the worker to earn his living in an occupation freely entered upon).

On January 1, 2023 the employment incentive to the Minimum Basic Income came into force. The incentive is detailed in the attached report. It consists in a mechanism allowing the beneficiaries of the IMV who enter in the labour market to increase their disponible income[18].
The right to the social benefit is therefore combined with active measures aimed at integrating the protected individual into the labour market, a formula widely used in various countries that have regulated schemes similar to the IMV.

The fourth opinion of the AIREF from July 2025[19] assesses for the first time the effects of the IMV on the employment of its beneficiaries using an econometric analysis to estimate the causal impact of the benefits on labour decisions. In module 7, "the effects of the IMV on employment (pp. 38 et seq. of the AIREF'S opinion) a complete analysis on the labour inclusion of the IMV beneficiaries can be seen by the assessment of the impact of the benefit on unemployment.

The fourth opinion of the AIREF has identified that ceasing to receive the IMV increases the number of days worked by 0,5 days per month and the probability of working by 2,2 percentual points.

[17] See as an example the judgement of the High Court of Balearic Islands. STSJ No. 176/2025, https://www.poderjudicial.es/search/AN/openDocument/8764279ac93dba73a0a8778d75e36f0d/20250522

[18] Example: let us consider a household that receives a benefit of €500 per month for Minimum living Income. Let us assume that the beneficiary increases their employment income by €100 per month. Before the employment incentive came into force, the amount of their benefit would have decreased by €100, so that they would have received €400 in Minimum Living Income and their total disposable income would not have increased

With the entry into force of the employment incentive, the benefit does not decrease and he would continue to receive the €500 benefit and your new employment income of €100.

With the employment incentive, increases in income of less than 60% of the guaranteed income for the corresponding household unit will not affect the amount of the benefit.

Let us assume that the above example corresponds to a household consisting of two adults and two minors. This household has a guaranteed income of €1,252 per month for 2025. Increases in their income compared to the previous year of less than €751, i.e. 60% of their guaranteed income, will not lead to a reduction in their benefit. Increases in their income between €751 and €1,252 will lead to a reduction in their benefit depending on the amount of the increase, whether or not the adults in the household were working before, and other characteristics of the household. Source: https://www.inclusion.gob.es/web/inclusion/ingreso-minimo-vital/que-es

[19] The Independent Authority for Fiscal Responsibility is an Independent Administrative Authority (AAI) with its own legal personality and full public and private capacity, which exercises its functions with autonomy and independence from the Public Administrations and acts objectively, transparently and impartially. Article 31 of Act 19/2021 establishes that the result of the minimum living income and the different inclusion strategies and policies will be evaluated annually by the Independent Authority for Fiscal Responsibility, through the issuance of the corresponding opinion.

With regard to the specific complaint raised by the complainant entity on the quality of the employment, it has been identified that, amongst IMV beneficiaries who remain in employment at the start of the benefit period, there are changes in the characteristics of their employment that suggest an improvement in quality registering a 3% increase in the probability of having a permanent contract compared to the average percentage of permanent contracts before starting to receive benefits (p. 52 of the AIREF'S opinion).

Nevertheless, the AIREF has identified a lower labour participation amongst IMV beneficiaries since they began receiving the benefit, with a reduction in the number of days worked per month and a decrease in the probability of working. These effects are more intense amongst those who receive higher benefits who experience reductions of 26% in days worked and 23% in the likelihood of working.

In the AIREF's view, the above data may be indicative of an increase in the reserve wage of the beneficiaries who, protected by the economic security provided by the social benefit, can afford to wait for higher-quality job opportunities.[20].

With regard to the minimum age requirement to be allowed to access to the benefit - set at 23 years of age- without prejudice to exceptions for those with dependent children or other exceptions such as victims of gender-based violence- the Committee has ruled that the subjective scope of the right provided for in Article 13 of the revised European Charter is universalist and no distinction should be made between individuals or members of the family or cohabiting units, on the basis of their nationality or status. Nevertheless, a minimum age may indeed be required to be allowed to the minimum income benefit as long as young people below the required age receive adequate assistance, and that this assistance is not merely supplementary or conditional[21].

In accordance with the above, to analyse the compliance with the Charter on this issue it is important to highlight that social provisions can be implemented through aid other than the IMV and that public administrations have approved other social aids within the scope of their powers.

[20] P. 62 AIREF 4th opinion..

[21] yhe requirement for a minimum age, which is also established in France, for example, is explained by the fact that in southern countries, families tend to provide goods and financial support to the elderly and their children for a period of time that extends even after the latter have reached the age of majority. However, it is a predictable feature of all minimum income systems that the family assumes the role of provider of resources and well-being. Dalli Almiñana, María (2025)" El derecho al mínimo vital. Desarrollo y protección desde una perspectiva multinivel." Editorial Aranzadi.

- The complainant entity argues that the caps on the scales used to calculate the amount to be received as IMV affect large families with more than five members and more than three minors, because above this number the amounts are not supplemented. The complainant entity claims that this constitutes discrimination and is not sufficiently justified.

  It is true that there is no supplement for families with more than three or more minors.

  However, this complies with the European Social Charter because no discrimination can be found in a collective which is granted special protection. The establishing of caps and scales is necessary since public resources are limited.

  According to the latest data published in September 2025, the type of household with more than three children receiving the IMV it is the lowest of all types, being 2.394 households with more than three minors the households benefiting from the social provision, out of a total of 776.924.

  Furthermore, this type of household would be classified as a large family a type of household benefiting from other types of additional assistance and are subject to specific regulations[22] due to specific characteristics of the family unit.

- Thus, regarding the procedure established for applying for and recognising the benefit, it should be noted that, to certify the value of the assets, as well as the taxable income and rental expense of the holder of the right and the members of the household, the beneficiary of the Minimum Basic Income and the members of the household must fill and submit a **responsible declaration** through a standardized model for these purposes.[23].

  A responsible declaration is an instrument which speeds up access to the benefit, as it means that the interested party declares that they meet the requirements without having to submit the documentation at that time – which will, where applicable, be requested by the Administration later.

[22] Act 40/2003, of November 18, on the Protection of Large Families, is the State's basic legislation without prejudice to the , without prejudice to the regulations that are approved within the scope of each Autonomous Community.
[23] https://www.mites.gob.es/es/Guia/texto/guia_14/contenidos_OCULTADOS/guia_14_34_4.htm#

– As regards the lack of social dialogue when drafting the bill of the Act as well as its latter amendments, which is put forward by the complainant entity, it must be denied that the opinion of the sectors or groups affected was not sought when designing and implementing the benefit. Specifically, and by way of example, the public hearing and information procedures as stated out in Act 50/1997, of 27 November, on the Government have been carried out[24]. These public hearings have also been carried out in the amendments of the Act 19/2021 and on the occasion of the processing of the draft of the Royal Decree regulating the compatibility of the minimum basic income with income from employment or self-employment, or the Royal Decree regulating the determination of the triggering event and the economic effects of contributory retirement pensions and the minimum living wage, and amending various Social Security regulations governing different areas of management.

➢ **Relevant provisions of the Revised European Social Charter, on the assessment of Minimum Basic Income systems of the Contracting States. Compliance of national provisions and national authorities' management of competent Spanish bodies with the Charter in relation to the minimum basic income.**

26. Several violations of the Revised European Social Charter are reported, with the Committee having admitted complaints relating to Articles 13.1, 15.3, 16, 17, 30 y 31 of the Charter, autonomously and in connexion with Article E-, e

27. Amongst the several complaints that have been raised and accepted by the Committee, two stand out as the most significant which are the ones referring to the violation of the right to social assistance as provided for in Article 13.1 of the Charter and the right to protection against poverty and social exclusion granted in Article 30 of the Charter.

28. The remaining complaints are closely linked to those, in the same way that the rights claimed to have been violated are, in turn, closely linked to the rights to social assistance and protection against poverty. This aspect has been specially emphasized

[24] Article 26 of the Act 50/1997 provides for the following: *Without prejudice to prior consultation prior to drafting the text of the initiative, when the regulation affects the legitimate rights and interests of individuals, the competent administrative body shall publish the text on the corresponding website, with the aim of hearing the views of the citizens affected and obtaining any additional contributions that may be made by other individuals or entities. Likewise, the opinion of organisations or associations recognised by law that group or represent persons whose legitimate rights or interests are affected by the regulation and whose purposes are directly related to its object may be sought directly*.

by the Committee which has particularly highlighted the strong link between the effectiveness of the right recognised in Article 30 of the Charter and the enjoyment of the rights recognised in other provisions of the Charter This meaning is reflected in *Conclusions 2013, Statement of interpretation of Article 30*.

29. Therefore, we will refer essentially to the rights recognised in Article 13.1 and Article 30 without prejudice to the fact that alleged violations of the above rights could in turn affect the rights recognised in the other provisions denounced (right to social integration of disable persons, the protection of the family and its social, legal and economic protection rights of children and young persons, and the right to housing).

30. **Specifically Article 13.1 of the Charter in relation to social and medical assistance states that with a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake** *to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition.*

31. **On the other hand, Article 30 of the Charter recognises the right to protection against poverty and social exclusion in the following way:** with a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake **"***to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance; b) to review these measures with a view to their adaptation if necessary"*.

32. In the light of the foregoing and considering the explanations we have provided to the Committee in these observations and the attached Ministry report, in response to the various issues raised by the complainant organisation **the Spanish Government consider that it is not appropriate to declare that national authorities have violated the provisions referred to in the regulations applicable to the minimum basic income and its administrative management.**

33. The mandate derived from Articles 13.1 and 30 of the Charter imposes on States, as understood by the Committee, the obligation to take on positive measures through a global and comprehensive and coordinated approach based on public policies developed from analytical work, the establishment of priorities, and measures for the

prevention and removal of obstacles to accessing social rights, including social assistance, thereby achieving adequate protection against poverty. Public policies which moreover, must incorporate adequate prevention, control and supervision mechanisms.

34. Well then, from the above, it is clear that the national authorities have made a remarkable effort, both at the regulatory and executive levels, to introduce and implement the minimum basic income benefit system, with the results that have been presented.

    A system designed based on numerous studies and analytical work carried out both internally and internationally to improve the system that had existed until then in Spain on minimum basic income, standardising at national level the regulation and implementation of the pre-existing system, which presented significant disparities between different parts of the territory.

    A system that is also subject to ongoing review and adaptation, as stated in Article 31 of the Charter, which is reflected in various regulatory amendments after the initial design of the system.

    And a system that is subject to rigorous control and supervision.

35. It should be mentioned, in relation to the latter aspect, the fact that public policies on the IMV are subject to a rigorous system of control and supervision. This way, Article 31 of Act 19/2021, foresees that the results of the implementation of the minimum basic income as well as the different strategies and policies for inclusion will be evaluated yearly by the Independent Authority for Fiscal Responsibility by issuing the corresponding opinion, in accordance with the Organic Law 6/2013 of 14 November on the establishment of an Independent. Authority for Fiscal Responsibility. In accordance with this mandate, to date AIREF has issued four opinions, the latest being Opinion 3/25- carrying out an exhaustive assessment of the system and its effectivity using different methodologies, including statistical and econometric ones.

    Furthermore, Article 33 of the Act establishing the IMV creates a monitoring committee chaired by the Minister of inclusion, social security and migration and composed of representatives of the General State Administration as well as other members whose participation may be established upon Royal Decree, in addition to the heads of the regional ministries responsible for the matter and representatives of the local administration.

Amongst its functions, the following stand out: a) Assessment on the impact of the minimum basic income as a tool to prevent the risk of poverty and social exclusion amongst people in situations of economic vulnerability, with a particular focus on child poverty; b) Assessment and monitoring of regulatory and non-regulatory proposals relating to minimum basic income and on inclusion matters promoted by the Ministry of inclusion, Social security and migration; c) Promoting and monitoring of cooperation mechanisms between administrations which may proceed upon the implementation of this law; d) Monitoring of information exchange systems relating to applicants and beneficiaries of the minimum living/basic income that are put in place.

36. Regardless of the above-mentioned we must point out that when assessing whether Spain complies with the requirements arising from European Social Charter (revised) whether the policies developed by national authorities are consistent with the right to social assistance or protection against poverty recognised in the Charter, the provision of the minimum basic income, its legal design or the system for managing it should not be considered in isolation.

37. The minimum basic income social benefit is one of a wide range of public policies and implemented and coordinated measures by the Kingdom of Spain aimed at achieving that individuals enjoy “a decent standard of living” in fulfilment of the commitment arising from Article 30 of the Charter.

38. This “decent stand of living” is not however defined in the Charter, neither in absolute terms (a fixed amount that must in any case be exceeded by the universal basic income benefit in any State,) nor in relative terms (stating one or several formulas for determining, in each country, what amount the benefit must exceed to be considered adequate).

39. This is so because the determination of what is to be considered a “decent standard of living” varies and depends on different factors, including the economic context and social and cultural factors of each State.

The doctrine of the *"decent standard of living"* refers precisely to this set of minimum material conditions necessary for an individual to live in dignity. This includes

- Sufficient incomes to cover necessities such as food, housing, healthcare and education.
- Access to social services ensure inclusion participation in the life of the community.

- Protection against poverty and social exclusion, understood as the marginalisation of individuals or groups from access to fundamental rights.

40. To assess whether a Contracting State complies with the standards derived from Article 30 of the Charter it is not enough to consider the provision of the minimum living income in isolation; the other elements that determine whether a person has a decent standard of living for the purposes of the Charter must also be considered. The complainant entity however, does not take into account those other elements.

41. In turn, Article 13.1 of the Charter granting the right to social assistance does not specify the form that social assistance should take, and it may therefore take the form of benefits in cash or in kind, as the Committee has understood.

42. In conclusion, the Spanish Government consider that the actions of the national authorities are in line with the objectives set out in Articles 13.1 and 30 of the Revised European Social Charter, not being therefore appropriate to declare the violation of any of the provisions under analysis.

Accordingly, **the Government of Spain REQUESTS the Committee**:

To declare that national regulations governing the provision of the minimum basic income in Spain do not violate the Revised European Social Charter nor the management of the system by national authorities is in breach of the Charter.

In Madrid for Strasbourg, 8 October 2025

THE COAGENT OF THE KINGDOM OF SPAIN

Heide-Elena Nicolás Martínez

Annexes

Annex 1. Report issued by the Ministry of Inclusion, Social security and Migration. July 2025.

Annex 2. Descriptive outline of modifications of Act 19/2021.