



C/2024/5603

30.9.2024

**Request for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 12 June 2024 – TJ v  
Comunidad de Madrid**

**(Case C-418/24, Obadal) <sup>(1)</sup>**

(C/2024/5603)

*Language of the case: Spanish*

**Referring court**

Tribunal Supremo

**Parties to the main proceedings**

*Applicant:* TJ

*Defendant:* Comunidad de Madrid

*Other party:* Ministerio Fiscal

**Questions referred**

1. First. Is the case-law which, defending the principles of equality, merit, ability and non-discrimination in the free movement of workers, refuses to confer the status of permanent workers in the public sector on workers who have non-permanent contracts of indefinite duration contrary to Clause 5 of the Framework Agreement? <sup>(2)</sup>
2. Secondly. If the answer to the above question is in the affirmative: May entitlement on the part of workers who have non-permanent contracts of indefinite duration to dissuasive compensation when their employment relationship is terminated be regarded as an adequate measure to prevent and, where appropriate, penalise abuses resulting from the use of successive temporary contracts in the public sector, in accordance with Clause 5 of the Framework Agreement?

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<sup>(1)</sup> The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

<sup>(2)</sup> Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43).