



Council of Ministers

## A positive conflict of jurisdiction against the Andalusian regulation on the public teacher employment program

**20 April 2012.** The Council of Ministers has agreed to propose to the Constitutional Court a positive conflict of jurisdiction of the Autonomous Region of Andalusia by Order of the Andalusian Regional Ministry of Education of 13 February 2012, which announced a selection process for 2,389 places for non-university teaching staff.

The number of places offered contravenes the limits that, fundamentally and therefore binding for Autonomous Regions, were established by the Royal Decree of 30 December 2011, prohibiting the recruitment of new staff, except in essential services and the possibility of recruiting teaching staff, by setting the replacement rate at 10 per cent in the education sector.

This Royal Decree set new basic limits for Public Sector Employment Offers in 2012, therefore any previous regional announcement is

suspended and in order not to break the limit, it must be adjusted to the new framework, which has not been the case with the Andalusian announcement on the recruitment of teachers.

The objection resulted in a favourable ruling from the Council of State of 12 April, which establishes that the regional Order "does not respect the limits set by Royal Decree 20/2011 for Public Sector Employment Offers in 2012, by setting a replacement rate of 30 per cent". Therefore, the Council of State concludes that the Andalusian Order "is unconstitutional by ignoring the basic law applicable to all Public Administrations for the aforementioned year".

While the matter is being decided, the Order by Andalusia's Regional Ministry of Education has been suspended.