

Audit report: management and control of the extraordinary subsidy for the cessation of activity by self-employed workers due to the COVID-related state of emergency

Compliance and performance

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FULL REPORT (ES) 

What we assessed and why

We assessed compliance with the legal provisions governing the management, monitoring, control and payment of the extraordinary subsidy for the cessation of activity by self-employed workers (PECATA). The aim of the audit was to check compliance with the principles of economy, effectiveness and efficiency.

We also analysed the effectiveness of the measures taken to achieve the objective of protecting self-employment.

We decided to carry out this audit for two reasons. First, its social importance, given the high number of self-employed workers benefiting from the subsidy (1 486 924, or 44.57 % of the target group). Second, the large amount of public money that was therefore allocated to implement the measure (more than €5 billion).

The audit covers the Mutual Social Security Associations (MCSSs) and the Marine Social Institute (ISM), as the managing bodies for the subsidy; the Directorate-General for the Organisation of Social Security (DGOSS), as the body responsible for the legal organisation of the Social Security System and the management and supervision of the MCSSs; the State Public Employment Service (SEPE), which is responsible for paying the subsidies managed by the ISM; and the General Social Security Fund (TGSS), responsible for the affiliation, registration and deregistration of workers and the collection of social security contributions.

The audit covers the period from 2020 to 2023.

What we found

The management of this subsidy was affected by a number of factors. Given the unprecedented economic, social and public health-related emergency in 2020, the subsidy had to be made available immediately. Importantly, the rules regarding the subsidy were neither sufficient nor constant, due to various changes in the legal regime from 2020 to 2023.





The managing bodies used different management procedures. The MCSSs provisionally recognised eligibility for the subsidy, postponing verification of compliance with the access requirements to the end of the state of emergency. However, the ISM issued final decisions from the outset, checking all necessary conditions for access prior to granting the subsidy.

The review of the benefits provisionally granted in 2020 by the MCSSs was in most cases postponed to 2023, although at the time of the audit report this review process had only partially taken place.

What we concluded

- There was a lack of adequate legislation, resulting in numerous legislative amendments, as well as varying criteria for applying the rules. As a result, the beneficiaries of the subsidy did not receive equal treatment.
- In addition, the legal criteria issued to interpret the legislation were insufficiently publicised. We recommend that the DGOSS publish the criteria.
- The cases of non-compliance and weaknesses detected in relation to the management and control procedure for the subsidy concern at least 125 292 beneficiaries. The net subsidies received amounted to €119 516 948. We recommend that the mutual associations analyse and review all the cases of non-compliance and issues detected, and initiate procedures to recover any undue subsidies.
- The cases of non-compliance and issues related to the procedure for the management and control of exemptions from contributions concern 69 269 beneficiaries and a total of €41 636 136. We recommend that the TGSS recover the social contributions unduly exempted.
- As at 30 June 2023, the mandatory procedure for reviewing the provisional decisions taken by mutual associations had not yet begun. We recommend that both the DGOSS and the mutual associations take appropriate steps to ensure that the procedure is initiated. The DGOSS should draw up precise instructions to ensure uniformity and equal treatment of beneficiaries in the review.
- The measure taken was effective as it achieved its designated purpose of keeping self-employed workers in employment during the state of emergency. However, this effectiveness was not accompanied by efficient management given the large number of weaknesses and cases of non-compliance detected.