

Message 001

Communication from the Commission - TRIS/(2026) 2071

Directive (EU) 2015/1535

Notification: 2026/0409/ES

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20262071.EN

1. MSG 001 IND 2026 0409 ES EN 30-07-2026 ES NOTIF

2. Spain

3A. Ministerio de Asuntos Exteriores, UE y Cooperación

DG Coordinación del Mercado Interior y Otras Políticas Comunitarias

SG Asuntos Industriales, Energéticos, de Transportes y Comunicaciones, y de Medio Ambiente

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3B. Generalidad de Cataluña

Departamento de Empresa y Trabajo

Dirección General de Industria

Subdirección General de Seguridad Industrial

4. 2026/0409/ES - T40T - Urban and road transport

5. Draft Law regulating the provision of vehicle roadworthiness testing (ITV) services in Catalonia

6. Vehicle roadworthiness testing (ITV) activities in Catalonia. The ITV is part of a scheme designed to

ensure that vehicles are in good condition from both a safety and environmental perspective whilst in use.

7.

8. The draft Law regulates the provision of vehicle roadworthiness testing services in Catalonia. Main aspects:

- Establishes an administrative authorisation regime within an open market: any inspection operator that meets the requirements for carrying out the activity shall be authorised.
- Sets the requirements and obligations to be met by fixed and mobile stations where this service is provided.
- Places special emphasis on/has the following objectives:
 - * Ensuring the technical competence of operators through ENAC (Spanish National Accreditation Body) accreditation
 - * Ensuring the quality of the inspection
 - * Ensuring the environmental sustainability of stations
 - * Ensuring the provision of the service throughout the territory
 - * Ensuring the provision of service to all types of vehicles
- Establishes the possibility of a maximum fee system. No station can exceed the maximum fees set by the administration. It protects station users in very isolated areas from exorbitant fees.
- Establishes the procedures for granting, suspending and revoking authorisations.
- Defines the monitoring and supervision of the administration

9. The system for providing the ITV service in Catalonia has been evolving. At its outset in 1982, it was decided to outsource the inspection service to private operators, under the legal regime of an administrative concession. When the concessions ended, with Law 12/2008, the concession model was replaced by the administrative authorisation, within the framework of a series of restrictions and limitations. They were challenged before the Supreme Court for being contrary to the freedom of establishment laid down in Article 49 of the Treaty on the Functioning of the European Union (TFEU), and as a result of their judgments annulling various articles, the model was not implemented. The current situation is of network stagnation, as the system of provision of the service is not defined. Although the number of inspections to be carried out increases every year, the network of inspection stations cannot grow to meet the demand.

9a. The notified measure is appropriate for achieving the public-interest objectives pursued, namely ensuring road safety and environmental protection, safeguarding the quality and accessibility of vehicle roadworthiness testing services, and providing legal certainty for a sector currently affected by regulatory instability.

The intervention is, first and foremost, a response to identified risks. There is a situation of legal uncertainty arising from the judicial annulment of various key elements of the current regulatory framework, which has made it necessary to continue providing the service under a transitional regime. Added to this are structural problems relating to access to the service. Catalonia's ITV network has remained virtually unchanged for more than a decade (50 fixed stations and 122 inspection lines), while the volume of inspections has increased by more than 8 % since 2014. This situation has led to long waiting times, difficulties in securing appointments and numerous complaints from users and the affected economic sectors.

Furthermore, there is a high level of non-compliance with the inspection requirement, estimated at around 20 % of the vehicle fleet, and the police detect approximately 3,000 vehicles per month being driven without a valid ITV certificate. These figures highlight real risks to road safety and to the environmental objectives associated with vehicle roadworthiness testing.

The measure contributes directly to solving these problems through an open authorisation model, compatible with the freedom of establishment, but accompanied by territorial weighting mechanisms that ensure effective coverage of the service throughout the territory. This system makes it possible to gradually expand the range of services where demand is greatest, whilst at the same time preventing operators from concentrating exclusively in the most profitable areas and ensuring that areas that are less attractive from an economic point of view are not neglected.

The impact assessment compares different regulatory alternatives and concludes that the model chosen is the one that provides the best overall results. It is expected to significantly reduce waiting times, improve territorial coverage, reduce non-compliance with the inspection requirement, increase free choice for users and maintain high technical quality standards. All this without reproducing the restrictions that were questioned by European and national case-law.

The achievement of the objectives is also pursued in a coherent and systematic manner. The regulation combines technical requirements applicable to all operators, reinforced supervision by the Administration, mandatory accreditation of stations by ENAC, environmental sustainability measures and conditions aimed at guaranteeing the universality of the service. The regulation thus sets out a comprehensive set of measures designed to simultaneously ensure the quality of inspections, the adequacy of the network of stations, legal certainty for operators, and the protection of the public interest in relation to road safety and the environment.

Consequently, there is a direct, objective and sufficiently established link between the problems identified, the public interest objectives pursued and the measures provided for in the draft law.

9b. The measure is necessary because none of the available regulatory alternatives would adequately achieve the public-interest objectives pursued with a lower degree of intervention.

The project has a limited impact on the internal market. It does not restrict market access to a predetermined number of operators, nor does it establish territorial reserves or exclusive rights. By contrast, it establishes a regulated authorisation regime with open access to the activity for all operators that meet the conditions laid down in State, European Union and autonomous community legislation.

The rules currently in place are insufficient to address the problems identified. The regulatory framework arising from Law 12/2008 and its implementing regulations has been partially invalidated by various court rulings, and its practical application has come to a standstill. Furthermore, the transitional provision currently in force merely guarantees the provisional continuity of the service, but does not provide a structural solution or the necessary legal certainty for operators, users and the public authorities.

Several alternatives were analysed during the drafting of the regulation. Taking no action would perpetuate legal uncertainty, limited service availability and difficulties accessing the service. The unrestricted-access alternative, with no territorial conditions, would allow the rapid expansion of service provision in the most economically attractive areas, but would create a significant risk of inspection stations becoming geographically concentrated and of coverage being lost in less profitable areas. Conversely, a model based on territorial planning and restricted access would require more intensive administrative intervention, greater regulatory burdens and a more significant restriction on the freedom of establishment.

These alternatives were ruled out because they do not strike an appropriate balance between competition,

geographical coverage, quality of service and regulatory proportionality. The impact assessment concludes that the open-access model with territorial weighting is the most appropriate option, as it allows new operators to enter the market without imposing quantitative restrictions or tendering procedures, whilst ensuring the effective provision of the service throughout the territory.

The chosen measure is therefore the least restrictive of the alternatives capable of achieving the objectives pursued. It preserves the freedom of establishment, prevents unjustified barriers to entry, removes restrictive measures previously challenged in the courts, and limits public intervention to what is strictly necessary to ensure the continuity, quality and universal availability of a service of general interest relating to road safety and environmental protection.

9c. The measure does not impose an excessive burden in relation to the objectives pursued and respects the principle of proportionality.

The objectives protected are of particularly high importance, since vehicle roadworthiness testing is an essential means of ensuring road safety, reducing the risks associated with defective vehicles and contributing to the control of pollutant emissions. European legislation itself regards periodic vehicle roadworthiness testing as a key element in ensuring that vehicles remain in a safe condition and comply with environmental protection standards throughout their useful life.

The restrictions introduced by the project are limited. The regulation does not establish maximum market shares, exclusive territorial reserves, minimum distances between stations or other restrictive measures that were previously challenged before the courts. Nor does it impose a fixed limit on the number of authorised operators. Access to the market remains open to any operator who meets the required technical and quality requirements.

The main specific obligation is to apply territorial weighting criteria aimed at ensuring service coverage in areas where economic incentives might prove insufficient. This requirement reflects the nature of the ITV as a service of general interest and constitutes a significantly less intrusive measure than other alternatives considered, such as restrictive territorial planning or tender-based award systems.

The assessment carried out shows that the expected benefits clearly outweigh the burdens arising from the regulation. The selected model improves access to the service, reduces waiting times, promotes freedom of choice for users, reduces non-compliance with the vehicle roadworthiness testing requirement, increases territorial coverage and maintains high standards of technical quality and administrative oversight.

Furthermore, the impact assessment report concludes that this is the option offering the best economic, social and environmental balance of all those analysed.

Failure to act or the adoption of insufficient measures could perpetuate legal uncertainty, difficulties in accessing the service and high levels of non-compliance with the inspection requirement, while increasing the risks to road safety and environmental protection. This potential harm is considerably greater than any impact the regulation may have on economic operators.

For all these reasons, the protection of the general interests pursued far outweighs the limited impact that the measure may have on the functioning of the market. Consequently, the obligations laid down are reasonable, necessary and proportionate to the importance of the public-interest objectives they are intended to safeguard.

10. References to the basic texts:

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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