

Message 001

Communication from the Commission - TRIS/(2026) 2031

Directive (EU) 2015/1535

Notification: 2026/0401/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: 20262031.EN

1. MSG 001 IND 2026 0401 ES EN 27-07-2026 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. Generalitat de Catalunya

Departamento de Salud (Secretaría de Salut Pública)

4. 2026/0401/ES - X00M - GOODS AND MISCELLANEOUS PRODUCTS

5. Draft decree on mortuary services

6. Regulation of the construction and material requirements applicable, in particular, to coffins, pre-fabricated burial niches and graves, and funeral transport vehicles. Articles 2(18), 2(20), 2(21), 20, 21(5), 36(3) and 37(2) of the draft text.

7.

8. The purpose of the draft legislation is to regulate health-related practices relating to corpses and human remains, the conditions governing the provisions of funeral services, and the technical and health requirements for funeral homes, wake rooms, crematoria and cemeteries, as well as inspection functions and the sanctioning regime. The scope of the draft excludes the rules governing administrative intervention in access to the activity, which are already laid down in specific sectoral legislation.

The text draws on the 2025 Consensus Guide on Mortuary Services as a technical reference document for adapting the regulations to technical, health and social developments. The rules governing thanatopraxy are also revised, and updated requirements are laid down for funeral homes, mortuary viewing rooms and crematoria.

The project also promotes the use of new materials and construction techniques, updating the design and manufacturing criteria for coffins and introducing the option of using prefabricated graves and niches that meet the applicable technical, structural, health and durability standards.

The experience gained from implementing the legislation in force since 1997 has highlighted the need to review and clarify certain technical requirements applicable to funeral products, facilities and activities, with a view to ensuring a high level of protection for public health, mortuary health, the environment and the safety of those using funeral services.

The legislation also aims to increase legal certainty for economic operators and the competent authorities by defining objective and verifiable technical criteria, promoting uniform application of the rules and facilitating control and inspection tasks. The aim is to ensure uniform standards in the management of corpses and human remains throughout the various stages of the funeral process.

As regards coffins, the legislation lays down the technical characteristics necessary to ensure that the body is properly contained during handling, transport, burial or cremation. The regulation covers the different types of coffins – ordinary, special, collection and cremation – and determines the requirements applicable to each of them according to their purpose. In particular, it lays down conditions relating to the materials, strength, leak-tightness and construction characteristics necessary to prevent health and environmental risks. These requirements are set out in accordance with the applicable UNE standards and the recommendations contained in the 2025 Consensus Guide to Mortuary Health. As regards prefabricated burial niches and graves, the standard includes requirements designed to ensure their strength, stability, durability and suitability for burial. These requirements are intended to ensure the proper conservation of funeral structures, prevent risks to public health and the environment and encourage the use of construction solutions that offer sufficient technical guarantees.

Furthermore, funeral transport vehicles are regulated through the establishment of minimum fitting-out, equipment and hygiene requirements intended to ensure adequate conditions of preservation and safety during the transport of human corpses and remains.

In short, the regulation is based on overriding reasons of public interest relating to the protection of public health, environmental protection, the safety of users and the need for up-to-date technical criteria for products and facilities that perform essential functions in mortuary health. The requirements laid down are objective, proportionate and non-discriminatory and apply uniformly to all affected economic operators.

9. As outlined above, the draft Decree on mortuary health is being introduced to update and modernise the regulatory framework governing funeral services, bringing it into line with the technical, technological and organisational developments experienced by the sector in recent years. Experience gained from applying the

legislation in force has highlighted the need to review certain aspects of the regulations in order to respond more effectively to current needs regarding the protection of public health, mortuary health, the environment and users of funeral services.

The increasing incorporation of new materials, construction systems and technical solutions in the manufacture of funeral products and in the management of facilities intended for the conservation, transport, burial and cremation of corpses and human remains makes it necessary to have an updated regulation that establishes clear and homogeneous criteria. This update ensures that the products and facilities used in the funeral sector meet the currently applicable requirements concerning safety, hygiene, strength, leak-tightness, durability and environmental protection.

One of the objectives of the project is to enhance legal certainty for economic operators, funeral service providers and competent administrations by defining objective and verifiable technical requirements. The existence of clear criteria facilitates monitoring and inspection tasks, promotes the consistent application of the regulations and helps to prevent differing interpretations in areas of particular importance from a health and environmental perspective.

In this context, the standard regulates the technical conditions applicable to coffins, laying down the requirements with which they must comply in order to ensure the proper containment of the corpse during its handling, transport, burial or cremation. The different types of coffins are regulated and the corresponding requirements are determined according to their intended purpose and use. These requirements are established in accordance with the applicable UNE standards and taking into account the recommendations of the 2025 Consensus Guide on Mortuary Health, with the aim of ensuring proper operating conditions and preventing health and environmental risks.

In addition, the draft incorporates specific requirements for niches and prefabricated graves in order to ensure that they meet appropriate conditions of strength, stability, durability and suitability for burial. These requirements ensure the proper functioning and preservation of funeral facilities, contribute to the prevention of risks to public health and the environment and promote appropriate safety conditions during use.

The legislation also updates the conditions applicable to funeral transport vehicles by laying down minimum fitting-out, equipment and hygiene requirements intended to ensure the safe and dignified transport of human corpses and remains.

The adoption of that regulation is therefore based on overriding reasons relating to the public interest. Its purpose is to ensure the proper management of corpses and human remains throughout all stages of the funeral process, to strengthen health and environmental protection, to bring the regulations into line with the sector's current technical realities, and to provide a clearer, more consistent and safer regulatory framework. The requirements laid down are objective, proportionate and non-discriminatory; they are appropriate for achieving the objectives pursued and contribute to maintaining high levels of protection of public health and the environment.

9a. The measures laid down in the text are appropriate for achieving the objectives of protecting public health, mortuary health, the environment and users of funeral services, since they establish technical requirements linked to the functions performed by the regulated products and facilities in the management of human corpses and remains.

The risks that the regulations aim to prevent are associated with potential shortcomings in the preservation, transport, burial and cremation of corpses and human remains, as well as with the use of products or facilities that do not offer sufficient guarantees of safety, leak-tightness, strength, hygiene or environmental protection.

The suitability of the measure is based on the experience gained from the application of the mortuary health regulations, on the consolidated technical knowledge of the sector and on the recommendations contained in the 2025 Consensus Guide on Mortuary Health.

Each of the technical requirements set out in the standard addresses specific risks previously identified in the management, transport, burial and cremation of corpses and human remains. The regulation establishes a direct relationship between the requirements imposed and the protection objectives pursued, such that each requirement contributes to preventing or minimising the health, environmental and safety risks associated with these activities. In addition, the requirements laid down for coffins and prefabricated burial niches and graves correspond to the technical characteristics provided for in the UNE standards applicable to them, which constitute widely recognised technical references to ensure adequate levels of safety, functionality and protection.

In relation to coffins, the requirement of certain conditions of manufacture, strength, leak-tightness and composition of materials is suitable to ensure adequate containment of the corpse during handling, transport, burial or cremation, reducing health and environmental risks. Similarly, the specific requirements applicable to special coffins and those intended for cremation are designed to meet specific needs relating to the protection of public health and the environment.

With regard to recesses and prefabricated graves, the construction requirements established make it possible to guarantee their structural stability, strength, durability and suitability for burial. These conditions contribute to preventing risks to public health and the environment and to ensuring the proper preservation of funeral facilities.

With regard to funeral transport vehicles, the establishment of minimum fitting-out, equipment and hygiene requirements is an effective means of ensuring that corpses and human remains are transported under appropriate conditions of safety, preservation and dignity, whilst also facilitating monitoring and inspection by the competent authorities.

The public interest objectives are pursued coherently and systematically, since all the requirements laid down respond to objective technical criteria and apply uniformly to the products and operators concerned, regardless of their origin. There is a direct relationship between the obligations imposed and the aims pursued, since each requirement is intended to prevent specific risks to public health, the environment or the safety of users.

Consequently, the legislation constitutes an appropriate means of achieving the public-interest objectives that justify its adoption, while ensuring a uniform level of protection in the field of mortuary health.

9b. The construction and material requirements laid down in the text, particularly those applicable to coffins, prefabricated burial niches and graves, and funeral transport vehicles, are necessary to ensure an adequate level of protection for public health, mortuary health, the environment and users of funeral services. These products perform essential functions in the management, preservation, transport and burial of corpses and human remains; therefore, the establishment of minimum technical requirements is a necessary measure to prevent health and environmental risks and to ensure uniform standards of safety and quality.

The measure has a limited impact on the internal market, since it neither restricts market access for products

from other Member States nor differentiates between products on the basis of their origin. The envisaged requirements apply uniformly to all economic operators and concern only the technical characteristics necessary to ensure the protection of the general interests pursued. Consequently, its impact on trade and the cross-border provision of services is limited and is confined to compliance with objective technical requirements relating to funeral activities.

General rules on product safety or the protection of consumers are insufficient to achieve the objectives pursued, as they do not address the specific issues arising from the storage, transport and burial of corpses and human remains, nor the specific risks associated with these activities. It is therefore necessary to introduce sector-specific regulations setting out requirements tailored to the specific characteristics of the products used in the mortuary health sector.

The measure also responds to the need to adapt the legislation to technological developments and to new materials and construction systems used in the funeral sector. In particular, the requirements applicable to coffins, burial niches and prefabricated graves have been defined in accordance with the relevant UNE standards and the recommendations of the 2025 Consensus Guide on Mortuary Health, thereby providing up-to-date, objective and verifiable technical criteria.

The alternatives considered included retaining the legislation in force and using non-binding technical recommendations or sectoral self-regulatory mechanisms. However, these options were ruled out as they did not guarantee a uniform level of protection for public health and the environment, nor did they provide the necessary legal certainty for operators and the competent authorities.

The measure chosen is therefore the least restrictive option for achieving the objectives pursued, as it lays down only the technical requirements that are essential to ensure the safety, hygiene, strength, leak-tightness and adequate environmental protection of the regulated products. In so doing, it ensures effective protection of the public interests concerned without creating unjustified barriers to trade or to the cross-border provision of services.

The measure does not establish prior authorisation schemes or conformity-assessment procedures in addition to those laid down in the applicable regulations. Nor does it impose any requirements regarding the establishment, nationality or location of economic operators. It is limited to defining minimum technical requirements related to the functional characteristics of products used in the funeral sector, while permitting the use of technically equivalent solutions that provide a comparable level of health and environmental protection. Therefore, it is considered the least restrictive alternative to achieve the objectives pursued.

9c. The restrictions imposed are proportionate to the importance of the public interest objectives pursued, namely the protection of public health, mortuary health, the environment and the safety of users of funeral services. Regulated products — coffins, pre-fabricated burial niches and graves, and funeral transport vehicles — are directly used in activities relating to the preservation, transport and burial of corpses and human remains, areas in which inadequate regulation can give rise to significant health, environmental and safety risks. Therefore, the requirements laid down are limited to the technical characteristics strictly necessary to prevent such risks.

The measures do not introduce general prohibitions or restrictions on market access based on the origin of products or economic operators. Nor does it impose any particularly onerous additional administrative requirements. The requirements laid down concern objective technical conditions relating to the safety, hygiene, strength, leak-tightness, durability and appropriate functionality of the regulated products. In the case of coffins, the requirements regarding materials and construction characteristics are designed to meet specific health and environmental protection needs and comply with the applicable UNE standards and the recommendations set out in the 2025 Consensus Guide on Mortuary Care.

The protection of the public interest in question has been assessed in relation to the potential impact on the internal market, and it has been concluded that such an impact is limited. The regulation applies uniformly to all economic operators and does not establish any differences in treatment on the basis of nationality or the place of manufacture of the products. In addition, the requirements laid down are the minimum necessary to ensure an adequate level of protection and to provide legal certainty to manufacturers, funeral companies, cemetery- management bodies and competent administrations.

The authorities have concluded that the benefits arising from the measures substantially outweigh any potential impact on the internal market. The absence of common technical requirements could lead to significant differences in the levels of safety, hygiene and environmental protection applicable to products used in a particularly sensitive area from a public-health perspective. Furthermore, it would hamper monitoring and inspection activities and create greater legal uncertainty for the operators concerned.

Furthermore, the harm arising from a failure to achieve the objectives pursued would be significantly greater than the burden imposed by the legislation. The absence of minimum requirements could compromise the proper management of corpses and human remains, increase risks to public health and the environment, and undermine the safety standards required in the provision of funeral services. By comparison, the obligations imposed by the regulation are limited, objective and reasonable, as they are confined to compliance with the technical conditions necessary for carrying out the activity.

The obligations imposed by the standard consist solely of compliance with certain technical specifications relating to the materials, construction characteristics and functional conditions of the regulated products. The measures do not introduce any prior authorisation requirements for placing those products on the market or any additional administrative certification procedures; they merely set out technical requirements relating to the use of these products for funeral purposes.

Consequently, the measures do not impose an excessive burden in relation to the objectives pursued, but rather constitute a proportionate and necessary intervention to ensure a high level of protection of the public interests concerned.

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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